



# Attorneys for Animals

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November 8, 2016

Representative Dan Lauwers  
Chair, Agriculture Committee  
Michigan House of Representatives

*Cath Petroskey, Committee Clerk, via email: [cpetros@house.mi.gov](mailto:cpetros@house.mi.gov)*

**Re: Opposition to HB 5987, House Agriculture Committee Meeting, November 9, 2016**

Dear Rep. Lauwers and Committee Members:

Thank you for the opportunity to address the committee. Attorneys for Animals, Inc. (AFA) is a Michigan non-profit and 501(c)(3) organization of legal professionals and animal advocates. We work within the legal system so animals are recognized and protected as individuals by combining advocacy, litigation and legislative efforts with education.

HB 5987 would amend existing law to allow egg producers an additional 5+ years, or about 50% more time, to comply with the requirement that egg-laying hens not be confined for the majority of any day without being able to fully extend their limbs and turn around freely, and to have access to at least 1.0 square feet of usable floor space per hen.

**AFA opposes this bill.** We concur with other organizations who are submitting testimony on this bill that:

- The reforms are modest and provide substantive improvement to the lives of the animals in terms of allowing them to engage in natural behaviors
- Other states have adopted similar regulations, and none have extended the time to comply. Ohio and California had much less time (less than a year and 7 years respectively) for the phase-in than the 10 years provided in existing Michigan law
- The seeming rationale for the 5+ year extension, to match the time frame within which corporate buyers have pledged that they will stop buying eggs produced by hens in battery cages, is not a valid reason to continue this practice
- Extending the time is counter to, and would put Michigan at odds with, the trend among both government and business, to respond to consumer demands for stricter standards of animal welfare in modern agricultural practices

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We will not repeat these arguments in detail but will focus instead on the history of this legislation, which is instructive in this committee's deliberations and determination as to whether it is appropriate, from a public policy perspective, to extend the time for compliance by egg producers.

In 2009, the legislature considered HB 5127, which added section 46 to the Animal Industry Act, MCL 287.746, PA 117 of 2009, to regulate three common confinement practices (gestation crates for pigs, veal crates and battery cages for egg-laying hens) by adding the requirement that these animals must be able to fully extend their limbs and turn around freely for the majority of the day.

The House Fiscal Agency's final analysis of HB 5127 (HFA analysis), almost two years after it had been enacted, provides detailed background information and can be found here:

<https://www.legislature.mi.gov/documents/2009-2010/billanalysis/House/pdf/2009-HLA-5127-6.pdf>

HB 5127 (<http://www.legislature.mi.gov/documents/2009-2010/billintroduced/House/pdf/2009-HIB-5127.pdf>) as introduced was quite different from the version that later passed (and which is now to be amended by HB 5987). The original bill purported to set up standards for the health and welfare of a variety of farm animals, by adopting wholesale the voluntary guidelines developed by the very industries to be regulated, and enshrining them into Michigan law.

For example, the animal care standards to be recognized and used by the state for egg-laying hens were the "UNITED EGG PRODUCERS-ANIMAL HUSBANDRY GUIDELINES FOR UNITED STATES EGG-LAYING FLOCKS, PUBLISHED BY THE UNITED EGG PRODUCERS, 2008", Sec. 8A (2) (C).

The HFA analysis noted that this initial approach was presented by supporters as "proactive" and designed both to reassure the public as to the safety and quality of Michigan's egg and meat products, as well as to head off stricter regulation of confinement agriculture in the wake of the passage of Proposal 2 by California voters in 2008, to regulate several confinement practices.

After objections by environmental, animal welfare and rural development organizations, and plans to launch an initiative similar to California's Proposal 2 in Michigan, the current language emerged and was passed by a large margin in the House (86 to 22) and by near unanimous approval in the Senate (36 to 0, 1 not voting). According to the HFA analysis, "[a]fter much debate, the bill enacted by the Legislature and signed by the Governor banned battery cages, gestation crates, and veal crates, **but allowed farmers ample time— ten years—to transition to compliance with the new law**" (emphasis added; note that veal crate regulations were phased in earlier).

Essentially, rather than a lengthy initiative campaign during which the practices of egg producers and others would be subject to public scrutiny and vote, this bill avoided that process and in exchange gave egg-producers (and pig producers) a lengthy phase-in period. Now the egg-producers will be given a further, lengthy extension. Coming as it does well before the original deadline for compliance, this bill raises questions as to whether egg-producers have even made a good faith effort to comply with the requirements mandated by the agreement reached in 2009.

For these reasons, AFA opposes HB 5987 and asks this Committee to not report the bill out of Committee.

Thank you for your consideration of our position.

Very truly yours,

A handwritten signature in cursive script that reads "Beatrice M. Friedlander".

Beatrice M. Friedlander, J.D.  
President  
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