Attorneys for Animals

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December 4, 2018

Representative Lee Chatfield
Chair, Government Operations Committee
Michigan House

Via email: Kevin Gawronski, Clerk, kgawronski@house.mi.gov

Re: Support of SB 660; House Government Operations Committee Meeting, December 4, 2018, 2:00PM

Dear Rep. Chatfield, Committee Members and Sen. Meekhoff:

Thank you for the opportunity to provide information to the committee. Attorneys for Animals, Inc. (AFA) is a Michigan non-profit and 501(c)(3) organization of legal professionals and animal advocates. The organization's Board of Directors voted to support this bill, with a technical note to the sponsor.

This bill extends the time to comply with animal care standards for egg laying hens that were added to the Animal Industry Act by 2009 PA 117, from April 1, 2020 to October 12, 2025. Although we would prefer that the time not be extended[1], we acknowledge an economic reason for the additional time (i.e., egg producers are voluntarily entering into contracts to phase out battery cages, and many go into effect around 2025).

On balance, we support the bill because of two provisions it adds:

- It broadens the coverage of the animal care standards to all shell eggs sold within Michigan for human consumption, regardless of where the eggs were produced—even out of state. This significantly increases the number of farms that must comply with the more humane standards, and, importantly, the number of egg laying hens who will not be subject to extreme confinement (page 5, lines 8 to 15).
- Significantly, the bill contains a legislative finding that connects the conditions under which egg laying hens are raised to increased risks to the health and safety of Michigan consumers from food borne illness (page 5, lines 22 to 27).

We note that the bill extends enforcement to district courts to provide injunctive relief for violations of the act (page 5, lines 22 to 27 through page 6, line 1). We question whether district courts have jurisdiction. MCLA 600.8302 specifies the matters in which district courts may

issue injunctions: enforcing livestock standards is not one of these. We suggest the sponsor inquire further.

We ask the committee to report this bill.

Very Truly Yours,

Beatrice M. Friedlander, JD
President

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[i] The 2009 bill creating the standards, HB 5127, 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 House Fiscal Agency final analysis of the bill, almost two years after it was enacted, says: "[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).
http://www.legislature.mi.gov/documents/2009-2010/billanalysis/House/pdf/2009-HLA-5127-6.pdf

ANIMAL LAW SECTION
Public Policy Position
SB 660

The Animal Law Section is a voluntary membership section of the State Bar of Michigan, comprised of 262 members. The Animal Law Section is not the State Bar of Michigan and the position expressed herein is that of the Animal Law Section only and not the State Bar of Michigan. To date, the State Bar does not have a position on this item.

The Animal Law Section has a public policy decision-making body with 15 members. On November 30, 2017, the Section adopted its position after discussion an electronic discussion and vote. 12 members voted in favor of the Section's position on SB 660, 0 members voted against this position, 0 members abstained, 3 members did not vote.

The Animal Law Section Supports SB 660 with Recommended Amendments.

Explanation:
Compared to a bill that was introduced last session that included a number of onerous provisions, this bill, while still extending time for compliance with the new law providing improved animal care standards for egg-laying hens by 5 years (with the stated reason that many large food corporations are requiring their suppliers to abide by standards similar to the ones required by existing Michigan law, but that these corporate requirements will not go into effect until 2025), reflects significant compromise. The bill adds a new provision, Section 47, which makes legislative findings about the effects of current practices on the hens, and, ultimately, consumers of eggs; and, importantly, does not allow the sale of eggs in this state produced in another state "IF THE BUSINESS OWNER OR OPERATOR KNOWS OR SHOULD HAVE KNOWN THAT THE EGG WAS PRODUCED BY AN EGG- LAYING HEN THAT WAS CONFINED ON A FARM THAT IS NOT IN COMPLIANCE WITH THE ANIMAL CARE STANDARDS FOR EGG-LAYING HENS SET FORTH IN SECTION 46." The provision applying standards to all eggs sold in Michigan regardless of where the egg was laid is particularly significant. Massachusetts passed a similar provision by ballot measure in 2016, and it was considered a major victory.

The Section recommends that the bill drafter check on the district court's jurisdiction noted on page 5, lines 22-27 through page 6, line 1, as this does not appear to fall within the district court's statutory grant of jurisdiction.

Contact Person: Ann M. Griffin

Email: annmgriffin@hotmail.com

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