

July 1, 2003

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Dear Dr. Halpern,

### **Proposed New Rule Regarding the Humane Treatment of Domestic Livestock**

I am a veterinarian from New Jersey, and would like to commend you and your department for producing the above very important proposed new rule for public comment. The increasing public interest in and concern about the welfare of domestic livestock is an undeniable long-term social trend, and it is beneficial to those of us working in animal industries to be able to show that we have the very highest standards of care, and an ethical and compassionate approach towards animals of all species.

As you know, the Animal Welfare Act administered by the USDA specifically excludes from consideration domestic livestock used for food, fiber, or other agricultural purposes. The lack of legislative consideration for these animals is an exception to the standards of most developed countries, and damages the reputation of the US as an ethical society, with advanced welfare standards for livestock and other animal species. The proposed new rule your department has produced has the potential to correct this problem and to elevate New Jersey as a leader in this field within the United States.

However, such benefits will only accrue if the new rule is seen as being credible by consumers, the general public, and those working with animals. While the proposed new rule has several commendable areas, unfortunately deficiencies in the following areas have the potential to destroy that credibility, if left uncorrected:

STANDARDS FOR CATTLE  
STANDARDS FOR HORSES  
STANDARDS FOR POULTRY

Before coming to New Jersey, I was a veterinarian in Australia. In the following, I highlight various problematic areas of the proposed new rule and contrast them with the relevant Australian Model Codes of Practice for the Welfare of Animals, in the hope these codes may provide some useful guidance. The Australian Model Codes have been prepared by the Sub-Committee on Animal Welfare (SCAW) of the Animal Health Committee within the Agriculture and Resource Management Council of Australia and New Zealand (ARMCANZ) system. Membership of SCAW comprises representatives

from each of the State Departments with responsibility for agriculture and/or animal welfare, CSIRO, Bureau of Resource Sciences and other committees within the ARMCANZ. Extensive consultation has taken place with industry and welfare groups in the development of the codes. The full text of the codes is available online at [http://www.affa.gov.au/docs/operating\\_environment/armcanz/pubsinfo/mcpwa/animal\\_welfare.html](http://www.affa.gov.au/docs/operating_environment/armcanz/pubsinfo/mcpwa/animal_welfare.html).

## **STANDARDS FOR CATTLE**

The proposed new rule has several commendable areas relating to cattle, e.g. "non-ambulatory disabled cattle and other animals unable to move ... shall be separated from normal ambulatory cattle, at all times including during transport, so that the normal ambulatory cattle do not injure the disabled cattle; (p.41) Shall not be dragged while conscious ... shall be handled humanely at all times even if they are to be slaughtered or euthanized ... proper medical care for the diagnosis or management of injury or disease must be provided to sick, injured, or non-ambulatory disabled cattle." (p.43)

However, the following are areas of concern:

### **NUTRITION**

"For dairy cows: a BCS of at least 2.0; provided, however, that a score lower than a 2.0 may be permitted for a reasonable period of time, if stage or level of production, physiologic conditions, or other factors results in such an appearance, during which time the animal's management is being altered to improve the condition.

For replacement dairy heifers: a BCS of at least 2.0, provided, however, that a score lower than a 2.0 may be permitted for a reasonable period of time, if stage or level of growth, physiologic conditions, or other factors (p.34) results in such an appearance, during which time the animal's management is being altered to improve the condition.

For beef cattle: a BCS score of at least 2.0, provided, however, that a score lower than a 2.0 may be permitted for a reasonable period of time, if stage or level of production, physiologic conditions, or other factors results in such an appearance, during which time the animal's management is being altered to improve its condition.

A score of 1.0 is permitted at market." (p.35)

It should be stated that while a BCS of 2.0 is permissible, a BCS of 3.0 is preferred.

BCS's lower than 2.0 should not be permitted. "Other factors" should not be an acceptable reason for lower BCS's, as this could include virtually any cause. Similarly, lower BCS's at market, or "in preparation for market," which would doubtless be used as

an excuse by some producers, should not be an acceptable reason for lower BCS's. As stated on p. 35, "cattle unable to maintain a BCS which meets the minimum score ... must be fed in a manner that allows the cattle to maintain an adequate BCS," and, "if pasture alone does not provide sufficient nutrition to adequately maintain the cattle's BCS-dairy, BCS-heifer or BCS-beef, supplemental feeds must be provided in sufficient amounts to maintain the minimum acceptable BCS."

Given the uniquely high water requirements of cattle, the statement, "each animal shall have daily access to water in sufficient quantity and quality to satisfy the animal's physiologic needs as evidenced by the animal's hydration status" (p.36), is commendable.

In order for this proposed new rule to be seen by the general public as a credible document, it is particularly crucial that the anemia-inducing diets commonly employed during the production of veal be explicitly disallowed. The Australian Model Code of Practice: Cattle provides a good example in this regard:

"3.5: Calves should receive at least two liters of fresh or preserved colostrum or an approved substitute within the first 12 hours following birth. Thereafter, they should be fed on liquid milk, commercial milk replacer or colostrum, in sufficient quantities to provide essential requirements for maintenance and growth. High quality pasture, hay or pellets should be available to calves no later than 3 weeks of age to help in development of their digestive tracts.

3.7: Calves should be weaned off milk, milk replacer or colostrum on to rations providing all essential requirements, only when their ruminant digestive systems have developed sufficiently to enable them to maintain growth and well being, and not earlier than 6 weeks of age. **Restricted rations of the "white veal" type i.e.; iron free diets which cause anemia, are unacceptable.**" (my emphasis).

## **CONFINEMENT**

"Nothing in these rules shall prohibit the use of tethers to feed and monitor individual cattle; to prevent oral-fecal and urine contamination, and to prevent injury resulting from interaction amongst cattle. Tethers must be long enough to permit the cattle to stand, eat, rest in a natural sternal posture or with their head and neck turned to the side of their body, and allow movement forward and backward, yet be short enough to prevent strangulation." (p.38)

Unfortunately, tethering has too often been abused by producers, e.g. via excessively long confinement periods, with unacceptable negative impacts on the welfare of cows. Hence tethering as a routing practice should be disallowed. The Australian Model Code of Practice: Cattle provides a good example in this regard:

2.5: "**Tethering is not acceptable as a routine husbandry practice.** Where collars, ropes, and similar materials are used to restrain cattle, they should be constructed and

used so as to avoid inflicting injury and pain. Where tethering is used, e.g., to restrain cattle at shows, animals must be accustomed to tethering before they are kept tethered for long periods. Tethered animals need adequate exercise each day." (My emphasis).

## **INVASIVE PROCEDURES**

"Nothing in these rules shall prohibit de-horning or disbudding, removing extra teats, tail docking, tattooing, branding and castrating or other routine husbandry practices provided that they are performed in a sanitary manner by a knowledgeable individual and in such a way as to minimize pain." (p.43)

Due to the indisputable pain and suffering that occurs when castration is performed in the absence of analgesics, including on young calves, and including via rubber rings, and due to the significantly higher incidence of post-operative morbidity, and even mortality, when performed by unlicensed practitioners, this proposed new rule will lack credibility as long as castration other than by licenced veterinary practitioners employing appropriate analgesics is permitted.

The Australian Model Code of Practice: Cattle states:

5.6.1: "Tail docking of dairy cows should be performed only where necessary for udder health or when otherwise prescribed by a registered veterinarian. Docking should be undertaken only on young female cattle, under 6 months of age."

5.6.3: "Animals over 3 months old should receive analgesia or anesthesia."

5.6.4: "In some states tail-docking of cattle is prohibited, except where prescribed and performed by a registered veterinarian."

If we want to uphold, and be seen to uphold, the highest animal welfare standards, we should similarly prohibit tail docking except where necessary for udder health or when otherwise prescribed by a registered veterinarian.

With respect to branding, I recommend the adoption of the following from the Australian code:

5.7.2: "Branding with corrosive chemicals is unacceptable."

With respect to dehorning, I recommend the adoption of the following from the Australian code:

5.8.1: "To minimize injury all horned cattle should be dehorned as young as possible and prior to weaning and at a suitable time to reduce fly worry. After dehorning, cattle should be inspected regularly for the first 10 days, and any infected wounds treated."

5.8.2: "Older animals may be "tipped" (ends of horns removed without cutting into sensitive horn tissue) without anaesthetic in order to reduce their potential to cause injury."

Due to the indisputable pain and suffering that occurs when sensitive horn tissue is incised, appropriate analgesia should be employed by a licenced veterinarian.

5.8.3: "Dehorning by means of chemicals should only be performed by a competent operator and within the first few days after birth. Avoid getting wounds wet (e.g. due to rain) for several days, as the chemical may run and burn the skin."

5.8.4: "The recommended methods for dehorning of calves are by heat cautery, scoop dehorners or gouging knife, as soon as the horn buds are detectable."

5.8.5: "Breeding for polled cattle makes dehorning unnecessary and is therefore recommended."

This recommendation, if adhered to by producers, would prove particularly beneficial.

## **TRANSPORTATION**

"Cattle may be confined in a vehicle or vessel for up to 28 consecutive hours without unloading for feeding and watering ... time spent in loading and unloading is not included. Nothing herein shall prohibit the confinement of cattle in holding cages or pens where feed and water may be withheld for up to 24 hours. For purposes of determining this period of confinement, time spent in a vehicle or vessel shall not be included." (p.44)

Cattle have uniquely high water requirements. Adult cattle may drink 10 gallons (45 liters) of water per head/day, and double this amount in extremely hot weather. Consequently, they should definitely be watered every 12 hours, and total transportation, holding, loading and unloading time without access to feed should not exceed 36 hours. Calves less than 1 month old should not be deprived of the opportunity to suckle or drink for more than 10 hours.

Additionally, I recommend the adoption of the following from the Australian Model Code of Practice: Cattle:

"5.1.1 A rest period after mustering and handling before transport is essential.

5.1.2 It is desirable to feed, water and rest cattle for at least 12 hours close to the loading facility if mustering has caused considerable physical exertion.

5.4.1 Under normal circumstances, cattle which are more than eight months pregnant should not be transported. Where this is unavoidable they must not be transported for

periods longer than eight hours due to the increased risk of metabolic disease and injury. They should be offered water and food upon arrival at the destination.

5.4.2 Cattle that have recently given birth should not be transported until at least four days after calving. In exceptional circumstances, it may be more humane to truck recently calved cows sooner than 4 days after calving.

9.6.1 Consignments by road should be inspected within 30-60 minutes of commencing a journey and after that, at least every 2-3 hours as well as whenever the driver has a rest stop. After meal breaks and/or refueling stops, the cattle must be inspected immediately prior to departure.

10.5 All cattle must be offered water as soon as possible after arrival at the destination. There is no justification for depriving cattle of water before slaughter."

## **MISCELLANEOUS**

I recommend the adoption of the following from the Australian code:

4.12: "The use of unreasonable force in twisting an animals tail to cause it to move is unacceptable. Force sufficient to cause breakage or dislocation of the tail is unreasonable."

## **STANDARDS FOR HORSES**

The proposed new rule has several commendable areas relating to horses, e.g. "proper medical care for the diagnosis or management of injury or disease must be provided to sick, injured, or non-ambulatory disabled horses." (p.52). However, the following are areas of concern:

## **NUTRITION**

"Each horse must have a BCS of at least a level 2.0 using the BCS-horse provided, however, a score lower than a 2.0 may be permitted for a reasonable period of time if stage or level of production, physiologic conditions, or other factors result in such an appearance, during which time the horse's management is being altered to improve the condition ... a "reasonable period of time" refers to the amount of time it would be expected to take to restore an animal to an acceptable body condition, using diligent efforts to do so. A score of 1.0 is permitted at market." (pp. 46-7)

It should be stated that while a BCS of 2.0 is permissible, a BCS of 3.0 is preferred.

BCS's lower than 2.0 should not be permitted. "Other factors" should not be an acceptable reason for lower BCS's, as this could include virtually any cause. Similarly, lower BCS's at market, or "in preparation for market," which would doubtless be used as an excuse by some stables, should not be an acceptable reason for lower BCS's.

## **CONFINEMENT**

"Horses not in transit may be tied using halters or neck bands in their stalls or to stationary objects up to 12 hours if feed and water are not available and for longer periods of time if feed and water are offered at reasonable intervals and the horses can lie down safely." (p.49)

12 hours seems an excessive period of time to tie up a horse without access to feed or water. I would suggest 6 hours, for a horse in good health and body condition.

For horses with access to feed and water and able to lie down safely, the minimum feeding intervals and maximum confinement intervals should be specified. I would suggest a maximum confinement of 12 hours, during which water must be provided once, and feed provided once either during or immediately before or immediately after the period of confinement.

## **INVASIVE PROCEDURES**

"Nothing in these rules shall prohibit tattooing, branding, and castrating or other routine husbandry practices provided that they are performed in a sanitary manner by a knowledgeable individual and in such a way as to minimize pain."

In Australia castration is considered an act of veterinary medicine, and may only be legally performed by a licenced veterinarian, due to the significantly higher incidence of post-operative morbidity, and even mortality, when performed by unlicensed practitioners. If we want to uphold, and be seen to uphold, the highest animal welfare standards, we should do likewise.

## **TRANSPORTATION**

"Horses may be confined in a vehicle or vessel for up to 28 consecutive hours without unloading for feeding and watering ... For purposes of determining this period of confinement, time spent in loading and unloading is not included. Horses may be confined in holding cages or pens where feed and water may be withheld for up to 24 hours. For purposes of determining this period of confinement, time spent in a vehicle or vessel shall not be included." (p.53)

Horses should definitely be watered every 12 hours, and total transportation, holding, loading and unloading time without access to feed should not exceed 36 hours.

## **STANDARDS FOR POULTRY**

### **NUTRITION**

" "Induced molting" is a management practice that simulates the natural molting event, is designed to bring the entire flock into a non-laying and oviduct rejuvenation period, and improves bird's ability to produce a high quality egg with a good shell, rather than the replacement of feathers. (p.24)

Each bird must have daily access to sufficient and nutritious feed to allow for growth and maintenance of an adequate body condition. Exceptions to feeding requirements for poultry are as follows:

1. Day-old poultry may be transported without feed, provided said poultry are delivered within 72 hours of hatching, and feed is provided immediately following unloading.
2. Birds may be transported without feed in accordance with the United States Postal Regulations (p.54) ... Feed may be withdrawn from adult poultry during an induced molt, provided that the following conditions are met:
  - i. Maximum length of feed withdrawal is 14 days. Feed withdrawal begins when all feed troughs are empty.
  - ii. Mortality and body weight loss shall be monitored daily throughout the molt, and feed must be returned immediately if the average weight loss exceeds 30 percent of pre-molt weight, or if mortality exceeds 1.2 percent during the feed withdrawal. (p.55)"

While recognizing that forced moulting is beneficial to producers, we not drafting a Proposed New Rule Regarding Production Maximization in Domestic Livestock, but rather a Proposed New Rule Regarding the Humane Treatment of Domestic Livestock. In order for this new rule to retain its credibility, and if we are to maintain, and be seen to maintain, high welfare standards, then we must follow the lead of some European countries and Australia, and ban forced moulting, because of the severe and indisputable suffering it causes.

The Australian Code of Practice: Domestic Poultry (3<sup>rd</sup> Edn.) provides a good example. I recommend the adoption of the following clauses from the code:

"9.1 Poultry ... should have access to food at least once in each 24-hour period. The complete withholding of food for longer periods is not acceptable.

9.2 Poultry should receive a diet containing adequate nutrients to meet their requirements for good health and vitality.

10.1 Poultry should be provided with sufficient drinkable water to meet their physiological requirements. Water should be cool in summer.

10.2 Under no circumstances should poultry ... be deprived of water for more than 24 hours ... Lesser periods apply during hot weather.

13.9.1 Moulting inducement or controlled feeding practices should only be carried out on healthy birds under close management supervision and under conditions that will not cause cold stress. Substitution of a high fiber diet, for example, whole barley, in place of normal rations is a preferred method of moulting inducement. Adequate feeding space is necessary during such practices.

13.9.2 The use of electric pulse wires to control feeding or to compensate for deficient cage designs is not recommended. Wires to deter birds from perching over feed or water containers should only be live for necessary training periods.

**13.9.3 Methods of moulting inducement and controlled feeding which totally deprive birds of food or water for more than 24 hours should not be used."** (my emphasis).

The Australian code allows greater withholding periods for newly-hatched birds, but given their minimal energy reserves, they should clearly have food and water withholding periods that are at least no greater than those allowed for adult birds.

## **TRANSPORTATION**

"Day-old poultry may be transported without water, provided said poultry are delivered within 72 hours of hatching, and water is provided immediately following unloading. 2. Birds may be transported without water in compliance with the United States Postal Regulations ... (p.56)

Poultry may be confined in a vehicle or vessel for up to 28 consecutive hours without unloading for feeding and watering ... i. For purposes of determining this period of confinement, time spent in loading and unloading is not included ... Poultry may be confined in holding cages or pens where feed and water may be withheld for up to 24 hours ... i. For purposes of determining this period of confinement, time spent in a vehicle or vessel shall not be included." (p.64)

Once again, in order for this to remain a credible document, the maximum food and water withholding period should be 24 hours. Combined loading and transportation times of up to 52 hours are not acceptable in a credible animal welfare rule.

This is reflected in the following from the rule:

"Birds shall not be transported for more than 24 hours without access to feed and water."  
(p.60)

Additionally, I recommend the adoption of the following from the Australian code:

"5.1.1 Planning the catching and loading procedure well in advance will allow adequate time for birds to be handled quietly in a way that does not cause them injury.

5.1.2 All members of catching and transporting crews should be provided with adequate instructions, and be knowledgeable about the basic aspects of animal welfare and bird handling.

16.7 Birds should not be held in crates or containers for longer than 24 hours unless they are assured of access to food and water. It is recommended, when a delay is anticipated and holding time is likely to significantly exceed 24 hours, that suitable arrangements be made e.g. the birds be released into a shed where they have access to feed and water or immediate slaughter arranged at another slaughterhouse, as may be appropriate.

16.8 Contingency plans should be in place to minimize any delay that could be stressful to birds as a result of transport breakdowns and to minimize any distress to the birds."

## **INVASIVE PROCEDURES**

"Nothing in these rules shall prohibit beak-trimming or other routine husbandry practices provided that they are performed in a sanitary manner by a knowledgeable individual and in such a way as to minimize pain. (pp.62-3)."

Again, in order to maintain the credibility of this document, beak trimming, which is known to cause severe pain when the dense nerve mass of the beak region is incised without analgesia or anesthesia, must be allowed only when performed by a licenced veterinary surgeon for therapeutic purposes.

## **Conclusion**

Once again, I would like to commend you and your department for producing this code, and for those fine points it contains. As stated, it is beneficial to those of us working in animal industries to be able to show that we have the very highest standards of care, and an ethical and compassionate approach towards animals of all species, given the persistent and increasing public interest in this issue. There is no doubt that this proposed new rule has the potential to elevate New Jersey as a leader in this field within the United States.

However, such benefits will only accrue if the new rule is seen as being credible by consumers, both domestic and abroad, and the interested general public. It is no secret that this rule incorporates industry guides such as the American Veal Association Guide for the Care and Production of Special-Fed Veal Calves, and the National Institute for Animal Agriculture Livestock Trucking Guide. However, in order for this to be seen as a credible document by consumers of NJ agricultural products, and by the public, it must primarily protect the welfare of domestic animals, rather than enshrine husbandry procedures that, while profitable to some producers, cause indisputable and excessive suffering to animals.

I sincerely urge you to incorporate the changes I have suggested, and request that you reply informing me in relation to the progress of this new rule.

Please don't hesitate to contact me if I can be of any further assistance.

Yours sincerely,

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