

Legislation & Regulation

Legislative Recognition of Animal Rights

There have been several inquiries about legislation in California which recognizes that animals have rights. The state of California's resolution on this matter is here reprinted in its entirety.

Senate Concurrent Resolution No. 8

Resolution Chapter 99

Senate Concurrent Resolution No. 8—

Relative to animal rights.

[Filed with Secretary of State
September 18, 1979.]

LEGISLATIVE COUNSEL'S DIGEST

SCR 8, Roberti. Animal rights.

This measure states that the Legislature should take effective measures to protect and defend the rights of animals by enacting humane and environmentally sound legislation .

Whereas, The State of California has in the past led the country in passing legislation which recognizes the principle of animal rights; and

Whereas, From childhood man should be taught to observe, understand, and respect animal life which is linked to respect for mankind; and

Whereas, To advance our civilization we must become aware of the rights of all animals; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California should take effective measures to protect and defend the rights of animals by enacting humane and environmentally sound legislation.

H.R. 3170: A Bill for Farm Animals

Thanks to a bill introduced by Rep. James Howard (D-NJ), intensive farming

practices could get a close look from a Congressional Commission.

On May 26, 1983, Rep. Howard introduced his improved version of the Mottl bill from last Congress. The new bill was immediately referred to two House committees—a major strategic improvement over the fate of the Mottl bill, which was referred to only one, the hostile House Agriculture Committee. The Howard bill has again been referred to the Agricultural Committee, except this time the bill has also been given joint referral to the Health Subcommittee on the House Energy and Commerce Committee. Joint referral means that either Committee could initiate hearings without having to wait for the other's timetable.

For the first time in the history of the U.S. Congress, there could be a Commission to look at intensive methods of livestock and poultry husbandry.

Although Rep. Howard admits to being more interested in "the consumer end than the farmer end," H.R. 3170 would establish a commission to study "intensive farm animal husbandry." Howard claims the suffering of the animals is shocking and that the effects of eating food produced through intensive confinement is alarming. According to the most recent research, human beings are exposed to health risks from antibiotics, as well as growth hormones such as DES and appetite stimulants such as arsenic, which are given to farm animals to boost profits and productivity.

The Howard Commission would set in motion a well-balanced, hard look at modern intensive farming practices which is long overdue. Along with the consumer health issue, environmental issues would be examined, as well as the economic impacts of intensive vs. alternative husbandry practices for the farmer, producer, and consumer.

Howard's bill, H.R. 3170 "The Farm Animal Practices Act," has already attracted 20 cosponsors: Peter Rodino (NJ), Walter E. Fauntroy (DC), Michael D. Barnes (MD), Barney Frank (MA), Richard L. Ottinger (NY), Thomas M. Foglietta (PA), Ted Weiss (NY), Ronald V. Dellums (CA), James Weaver (OR), Dennis Hertel (MI), Robert Roe (NJ), Norman Y. Mineta (CA), Louis Stokes (OH), Frank Annunzio (IL), George W. Crockett (MI), Tom Lantos (CA), William J. Hughes (NJ), Bob Edgar (PA), Mike Lowry (WA), and Bernard Dwyer (NJ).

British Government Issues: Revised Welfare Codes for Pigs and Cattle

On May 3, 1983, the Ministry of Agriculture published two new codes of welfare for pigs and cattle. These included recommendations that alternative systems to the use of stalls for keeping gilts and sows should be adopted and that cattle should at all times have sufficient room to lie down. These codes which were revised by the Farm Animal Welfare Council, some 12 years after their last issue, includes advice on welfare aspects related to farm buildings and housing, ventilation, temperature, and lighting, fire and other emergency precautions, feed and water requirements, and general husbandry practices for cattle and pigs, with additional recommendations for raising pigs outdoors and indoors.

The question of keeping pigs in stalls is raised in this latter section in the codes. It is stated that the keeping of sows and gilts in stalls with or without tethers raises serious welfare problems (see also report by Barnett, *et al.*, under *News and Analysis*), and that alternative systems, such as straw yards, yard-and-cubicles or kennels, "in which animals' behavioral and exercise needs can be more fully met," are strongly recommended.

In Section 35 of the codes for cattle, a similar recommendation that will require a change in certain farming practices, if it is to be adopted, is suggested: namely, that all cattle, whether in pens or tethered, should at all times "have

sufficient freedom of sideways movement to be able to groom themselves without difficulty and sufficient room to lie down and freely stretch their limbs and to rise." Consideration should be given to the adoption of appropriate loose-housing systems and is therefore recommended.

Apparently, the government is taking a strong position that these and 119 other recommendations contained in the two new codes are not to be seen simply as advisory. Mrs. Peggy Fenner, Parliamentary Secretary for Agriculture, in making these recommendations public in London stated that they had behind them the authority of government and Parliament observing that "whilst a failure to comply with them is not itself illegal, such a failure can be taken into account by the courts if a livestock keeper is charged with causing unnecessary pain or unnecessary distress to farm livestock. Moreover, the Farm Animal Welfare Council (FAWC) is now considering whether the time is ripe for any of the provisions of these codes to be translated into binding regulations."

Codes of practice on the care of farm animals and horses during their transport on roll-on-roll-off ferries and codes of practice for the transport by air of cattle, sheep, pigs, goats, and horses, have been published also by the Ministry of Agriculture Fisheries and Food, and copies of these can be obtained from the Ministry of Agriculture Fisheries and Food, Government Building, Hook Rise South, Tolworth Surbiton, Surrey, KT6 7NF, England.

An Animal Protection Law for Luxembourg

The World Society for the Protection of Animals (May 19, 1983, No. 4) reports that on March 15, 1983, "the Grand-Duchy of Luxembourg issued a Law with the stated 'objective of the protection of the life and well-being of animals.' Mr. L. Frising, WSPA Advisory Director and President of the 'Ligue Luxembourgeoise

des Droits de l'Animal,' expressed satisfaction with the Law which is, however, still awaiting implementing Regulations which are to be prepared by a Commission set up on 28 March 1983 by the Minister of Agriculture. In this Commission, Mr. Frising represents the interests of animal welfare.

"The humane movement of Luxembourg took some exception to Chapter 7 of the Law entitled 'Animal Experiments' but a statement issued by the Chamber of Deputies was considered reassuring. The statement reads as follows: 'The limited enumeration of the purposes which would justify *animal experiments* is equivalent to a principal prohibition of animal experiments often designated by the improper term vivisection.' Mr. Frising himself and his organization hold the view that there are three kinds of animal experiments: (1) those that even today cannot be replaced and are absolutely necessary to protect the life of man and also that of animals. Only few of these experiments are left; (2) Experiments that can be replaced by alternative methods already today and therefore can be absolutely avoided; and (3) tests that serve primarily lucrative and commercial purposes, e.g., in the cosmetics industry. These tests should be prohibited without exception." Copies of the Law in French can be obtained by writing to the WSPA Office, Dreikonigstrasse 37, CH-8002, Zurich, Switzerland.

Laws to Protect Circus and Performing Animals

WSPA also provides some relevant information pertaining to the protection of animals in Germany and Switzerland where the use of methods whereby the animals are afflicted with pain, suffering, or injury for training purposes, is prohibited. They go on to note: "In Sweden, where until recently exemptions to the ban on performing animals used to include sea lions and elephants, these two animals have now been added to the list of forbidden animals. In Den-

mark, all circus performances with animals are forbidden. In England, the Performing Animals (Regulation) Act of 1925 deals mainly with the licensing of trainers who are not required to specify how or with what apparatus their animals are trained. It further safeguards circuses from spot checks by local authorities and police. This would automatically include animal welfare organizations. (Information from the Captive Animal Protection Society, 17 Raphael Road, Hove, East Sussex, BN3 5QP). Yet the number of local authorities in England which ban circuses from their land has risen to 52, including 11 London Boroughs. In France, the International League for Animal Rights (ILAR, 21 rue Jacob, 75006 Paris) maintains that Decrets 77-1296/7 of 25 November 1977 for the establishments under discussion are *not* complied with. None of the local authorities (Prefectures) have taken steps against these enterprises for non-observance of the rules established which in some cases would have led to closure."

"RSPCA Wins Test Case"

The RSPCA in England has won its case against a Surrey egg producer which may have wide repercussions within the poultry industry. The defendant was prosecuted under the Welfare of Livestock (intensive units) Regulations, 1978, for failing to ensure that 20,000 birds in his intensive unit were adequately inspected during a 24-hour period. The RSPCA produced evidence showing that no more than nine minutes were spent by the stockkeeper in his units of which part of this time was spent attending to the automatic feeding equipment. The RSPCA used two offices equipped with telephoto lenses and binoculars to obtain the evidence. Expert veterinary opinion given during the trial stressed that if the intention of the animal welfare regulation governing adequate inspection for the well-being of the livestock was to be fulfilled, then it was clear from the evidence obtained by the RSPCA inspec-

tors that the birds were not being inspected on an individual basis. The defendant argued that it was impossible to carry out such an inspection and that a

cursory walk-through of the units was sufficient to comply with the regulation. This was rejected by the court.