

Memorandum in Support

COMMITTEE ON ANIMALS AND THE LAW

Animals #7-A

January 17, 2020

S. 2724-B
A. 5711-A

By: Senator Krueger

By: M. of A. Englebright

Senate Committee: Domestic Animal Welfare

Assembly Committee: Agriculture

Effective Date: 120th day after it shall have
become a law

AN ACT to amend the agriculture and markets law, in relation to nonambulatory animals.

LAW & SECTION REFERRED TO: A new Section 357-a is added to the Agriculture and Markets Law.

THE COMMITTEE ON ANIMALS AND THE LAW SUPPORTS THIS LEGISLATION

This bill would amend the Agriculture and Markets Law by adding a new Section 357-a in relation to certain animals (sheep, cattle, and swine) raised for commercial or subsistence purposes that become nonambulatory, to require that they be provided humane treatment with respect to transport, veterinary care, and euthanasia.

Section 1 of §357-a defines a “nonambulatory animal” as a domestic sheep, cattle, or swine raised for commercial or subsistence purposes that is unable to stand or walk without assistance. The provisions of the bill relating to nonambulatory animals are limited to these animals. Other definitions in this section include a definition of “humanely euthanize,” providing acceptable methods of euthanizing a nonambulatory animal, and “humane handling,” providing that acceptable methods of moving a nonambulatory animal are with a sling, stoneboat, or on other sled-like or wheeled conveyances, and prohibited methods of moving the animal are dragging, pushing with a tractor, forklift, or other equipment, or otherwise moving the animal inhumanely.

The bill provides that a nonambulatory animal shall not be transported or held in place except to provide the veterinary treatment required by the bill; a nonambulatory animal may be held or transported on the property of the farmer who has bred or raised the animal to provide veterinary treatment, which shall be administered without delay. A licensed veterinarian shall determine whether the nonambulatory animal requires medical attention, rehabilitation or humane euthanasia. No person shall otherwise transport, hold, buy, sell, give, receive, or market a nonambulatory animal.

Section 2 of new §357-a specifically prohibits the selling, giving, receiving or marketing of a nonambulatory animal for human or animal consumption. Section 5 provides that violations are punishable as a misdemeanor, subject to imprisonment of not more than one year, or by a fine of not more than two thousand five hundred dollars, or both. Each day on which a violation this section occurs and each instance of a prohibited action under this section shall constitute a separate offense.

Humane handling of food production animals is a humane *and* an economic necessity, and has strong public health implications. In 1985, the Humane Methods of Livestock Slaughter Act, 7 U.S.C. 1901, was enacted by Congress in recognition of this fact. An animal raised for food production that becomes nonambulatory may pose a risk for human consumption. Rules promulgated by the U.S. Department of Agriculture Food Safety and Inspection Service (USDA/FSIS) prohibit slaughter of nonambulatory cattle for consumption because they are more likely to have bovine spongiform encephalopathy (BSE) or other diseases. Federal law requires FSIS inspectors to be present at all times that meat slaughter plants are operating to observe every live animal before slaughter, both at rest and in motion, to detect signs of any disease or health problems that might render the animal unfit for human consumption. Animals that are nonambulatory are not permitted to be slaughtered for food. The absolute prohibition resulted in part from violations at a California slaughterhouse in 2008 that allowed nonambulatory cattle to be slaughtered for human consumption, and caused USDA to institute the largest meat recall in history.¹

According to the USDA National Agriculture Statistics Service (NASS) 2018 State Agriculture Overview for New York,² New York is twenty-second in the national marketplace for livestock, poultry and their products, with a market valuation of \$3,165,898,000. As an important player in the national marketplace, it is incumbent upon our state to serve as a role model in food safety regulations. Insofar as New York has continually been a leader at the forefront of legislation protecting our animal population, it is of equal importance that we serve as a role model for the humane treatment of animals raised for food production, and to support the enactment of provisions requiring humane treatment at a time when the animal may become nonambulatory and no longer able to be sold or slaughtered for human consumption.

Livestock are substantial economic assets, but there is both a practical and an ethical link between animal health and human health. In a 2015 study funded by Washington State University's Paul G. Allen School for Global Animal Health, the authors noted that, for every 10 cases of animal illness or death observed in a household, the odds of observing a human illness in the same household was 31% greater.³ The study presumed that human health and animal

¹ Nonambulatory Livestock and the Humane Methods of Slaughtering Act, by G.S. Becker, 2009; Congressional Research Service <https://nationalaglawcenter.org/wpcontent/uploads/assets/crs/RS22819.pdf>

² https://www.nass.usda.gov/Quick_Stats/Ag_Overview/stateOverview.php?state=NEW%20YORK

³ "Linking Human Health and Livestock Health: A "One-Health" Platform for Integrated Analysis of Human Health, Livestock Health, and Economic Welfare in Livestock Dependent Communities" <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4370696/>

health may be linked through three main pathways: i) a socio-economic pathway where improved livestock production is associated with healthy livestock leading to improved household incomes and wealth, access to education and health care; ii) a nutritional pathway where owning healthy livestock increases access to animal source foods that in turn reduces the risk of malnutrition and disease; and iii) a zoonotic pathway where healthier livestock are less likely to transmit zoonotic and food-borne infections. The study concluded that evidence exists of a relationship between human and animal health.

As part of the stated justification for this bill, the sponsors specifically noted that downed animals are all too often left to suffer until it is convenient to take them to slaughter. In some cases, the animals simply die of neglect. If they live but remain nonambulatory, they may be moved by the easiest but least humane ways. Often they are dragged or pushed with tractors and forklifts, which can cause additional injuries ranging from bruises and abrasions to torn ligaments and broken bones. Animals that are unable to walk due to illness or injury endure extreme pain and suffering, which becomes even more acute when they are inhumanely transported.

The Committee on Animals and the Law applauds the bill's sponsors for recognizing the suffering of nonambulatory animals and ensuring that a veterinarian be involved in determining the appropriate treatment of an animal that has become nonambulatory – whether it be medical treatment or rehabilitation, which are intended to restore the animal to an ambulatory state; or humane euthanasia if the animal cannot be restored to health. All animals in New York, including those that are raised commercially for food production, are equally deserving of our consideration and entitled to be treated humanely for the entire span of their lives.

For the foregoing reasons, the NYSBA's Committee on Animals and the Law **SUPPORTS** the passage and enactment of this legislation.