

# Public Workshop for Proposed Animal Care Standards

## Diversified Livestock Workshop Minutes

December 1, 2011, 3:30 – 5 PM

### Scope of Workshop:

The purpose of the workshop was to discuss specific animal care standards for captive exotics, to include elk, reindeer, llamas, zoo animals, etc.

- Introductions, ground rules, and scope of workshop. 5 min
- Attendance: Approximately 20 people, including diversified livestock producers, Alaska Wildlife Conservation Center, Alaska Zoo, University of Alaska at Fairbanks, veterinarians, and other private citizens. All questions and comments listed below are from citizens unless noted as DEC comments or responses. “OPEN” items are noted for further research and will be discussed further during future sessions.
- Questions posed with DEC responses:
  - In Alaska statute 11.61.140, is the word “person” an individual or can it be an entity? How do the statutes apply to wildlife, what excludes wildlife? DEC will consult with attorneys for legal opinion on these questions. (OPEN)
  - What body condition scoring standards (BCS) are applicable to exotic livestock species?  
*DEC Comment:* The only BCS in the current draft regulation is that the beef cow scoring system would apply to bison.
  - Are rules contemplated for stocking density for exotics such as reindeer?  
*DEC Comment:* Other livestock species have specific pen or cage minimum sizes drafted; however, these are not typically applicable to captive exotics such as reindeer or elk. The pen size minimums are generally for animals that are typically kept under close confinement for specific reasons, such as farrowing sows, veal calves, or broiler chickens. Exotic species are not managed in this way and tend to be more free ranging, so no such standards have been considered.
  - Once regulations are adopted, how easy are they to change? How open are they to different interpretations? Can there be a clause that the State Veterinarian has “more” authority, to provide more consistency of interpretation?  
*DEC Comment:* After adoption, regulations cannot be changed without another period of public comment and all normal adoption processes. The goal of any regulation is to be as clear and understandable as possible, and to minimize difficult interpretation by any party. The primary authorities that must interpret these regulations are the DEC, law enforcement authorities, and any private

veterinarian that may be consulted by law enforcement. Alaska statute allows for any veterinarian licensed in Alaska to render a professional opinion on whether animal care standards are being met. Regulations cannot conflict with statute.

- When conflicts arise, courts of law typically rely on the regulatory authority (DEC) for interpretation, if it came to that. Who enforces these standards?  
*DEC Comment:* Alaska Statute 03.55.110 allows for complaints to be filed with animal control agencies, the DEC, or a peace officer. Peace officers investigate cases and are required to at least consult with a licensed veterinarian before confiscating an animal. Failing to provide minimum animal care, as defined by law and through these regulations, constitutes a criminal offense, and is prosecuted through the criminal justice system.
- Can people treat their own animals?  
*DEC Comment:* Yes, the current draft allows for that.
- “Captive exotics” is not the best description for the species of animals being discussed. “Exotics” even carries a different legal meaning in some federal regulations. Can we change the name of the working group?  
*DEC Comment:* Although the name of the workshop has no legal implication, we will change the name to “Diversified Livestock”, by popular demand. Any possible use of the word “exotic” in the regulation will be explored for its legal ramifications and its use will be avoided if possible.
- Are transportation standards contemplated?  
*DEC Comment:* Not at this time. The statute AS 03.55 refers to the “environment” associated with the animal; this would imply that the environment that surrounds the animal during transport must be compatible with protecting and maintaining the good health and safety of the animal. The variety of animals involved and lack of specific guidelines available make it difficult to write specific rules for these types of animals. Other domestic species have particular defined transportation standards that might be consulted but it would seem prudent to rely on general care guidelines, industry standards and the Code of Federal Regulations (sets requirements for interstate transportation of animals) to cover any possible cruelty associated with transportation.
- How do we allow for the challenge of changing climate for animals that are moved to Alaska from elsewhere?  
*DEC Comment:* Certificates of Veterinary Inspection (CVI-health certificates) are required for animal movement into Alaska from other states or countries. These must include any relevant acclimatization statement written by the veterinarian who writes the CVI. This states that the animal(s) can withstand the shipment

conditions and/or may place restrictions on the handling of the animals. Once in Alaska, the animal care standards will be in force, and, by statute, an environment compatible with protecting and maintaining good health and safety must be provided.

- What does “free-range” reindeer meat mean?

*DEC Comment:* We know of no accepted definition in industry for this term. Reindeer in Alaska are raised both with and without fences. Producers present at the meeting have no knowledge of such marketing terminology being used here. Such terms are typically established by industry organizations to promote their products. They may include some component of animal care as a requirement (as do some “organic” designations), but the DEC does not regulate such activities.

- Will there be rules about recovery time between birthing, ex. calving?

*DEC Comment:* None are contemplated at this time. Natural breeding cycles associated with seasonal nutritional needs are typically the most effective for healthy conception rates. Diversified livestock and zoo animals are not forced into breeding at accelerated rates. There is no incentive for or likelihood of success at doing such a thing.

- Are there any specific fence requirements?

*DEC Comment:* None are currently drafted. Standard barbed wire is permissible (this would be an accepted animal husbandry practice under statute). Common sense would dictate that any large sharp projections might pose a hazard and should be avoided. Taken to an unlikely extreme, repeated injury of animals by such a projection could be interpreted as an incompatible environment.

- What constitutes adequate shelter?

*DEC Comment:* No specifics have been drafted for diversified livestock. Only the statutory language (AS 03.55 environment compatible with protecting and maintaining the good health and safety of the animal” and general standards would apply.

- Comments:

- What constitutes “reasonable medical care” (as required by statute) might be open for interpretation. What is reasonable for a herd of elk or reindeer might be different than for a dog or parrot. There should be some allowance for overall herd condition, with the understanding that some mortality will occur in a herd, due to age or unpreventable illness or difficult to diagnose conditions. There needs to be flexibility for an investigator to decide if a problem is being addressed adequately. With diversified livestock that are not generally handled very often (if at all), the process of rounding up and restraining animals for

examination can be stressful and cause mortality. The benefits of doing so must be weighed against the potential value of possibly finding out more about an individual animal or being able to treat it. Some producers do not have chute systems or any other restraint facilities. Some conditions are not treatable, and the only time a diagnosis is made is after death.

- An example is animals eating plastic trash bags by accident... not treatable, may cause death, hazard can't be completely eliminated

*DEC Comment:* Alaska Statute allows for “accepted animal husbandry practices”. No specific rules for diversified livestock have been drafted, other than the body condition statement mentioned earlier that would apply to bison. Certainly a balance must be struck between the good of the herd and the good of the individual animal, but when an individual animal is determined to be doing poorly, its welfare must at least be considered. The owner of the animals is responsible for each animal's well being. The owner must be able to observe the animals and if an abnormal condition (injury, signs of illness) is identified take some action (start treatment, call a veterinarian, or humanely euthanize the animal) to deal with the condition. You cannot ignore or disregard an animal that requires medical attention. Animals that are kept in free range or near free range conditions cannot be as closely monitored or as easily examined or treated as those kept in closer confinement. Further verbiage to clarify what constitutes “reasonable medical care” and “accepted husbandry” for specific diversified livestock species will be explored. The actual legal need for such verbiage in regulation is unclear at this time; therefore, DEC will consult with legal staff.

(OPEN)

- Some animals may not be in top condition all year. For instance, a breeding bull may lose a significant amount of weight during fall breeding season, and then afterward it stays thin during the winter. This is physiologically normal for him and may not be something within the control of the producer.

*DEC Comment:* The draft already has language to allow for such situations. It would seem awkward and potentially too restrictive to get very specific for any particular species of diversified livestock, due to individual animal and environmental variations; however, specific suggestions for improvement of the language would be considered. This issue is linked to the previous questions about interpretation of regulations and body condition scoring standards noted above. (OPEN)