

Public Workshop for Proposed Animal Care Standards

Livestock Workshop Minutes

February 27, 2012, 3:30 – 5 PM

Scope of Workshop:

The purpose of the workshop was to discuss specific animal care standards for all livestock, including cattle, swine, small ruminants, elk, reindeer, llamas, zoo animals, etc. Approximately five people attended by teleconference, including an animal control veterinarian and board representative, Alaska Farm Bureau President, and livestock producers. All comments are from participants except as noted as DEC statements.

Open Items from previous meetings.

A. In Alaska statute 11.61.140 (Cruelty to animals. A person commits cruelty to animals if the person 1) knowingly inflicts severe and prolonged physical pain or suffering on an animal;), is the word “person” an individual or can it be an entity?

How do the statutes apply to wildlife, what excludes wildlife? Informational: State Attorney General informal opinion is below:

In short, “person” means a natural person and, when appropriate, an organization, government, or governmental instrumentality.¹ An “organization is defined as a legal entity, including a corporation, company, association, firm, partnership, joint stock company, foundation, institution, government, society, union, club, church, or any other group of persons organized for any purpose.”²

DEC Comment: The proposed regulations are not intended to apply to free ranging wildlife, only domestic animals and captive wildlife. We will ensure that their application is clear under statute. (OPEN)

B. What constitutes “reasonable medical care” (as required by statute)? State Attorney General informal opinion is below:

There is no statutory or regulatory definition relating to animals in Alaska. Again it is suggested that checking other state provisions or model statutes and regulations would help define this. This is a judgment call. What would a reasonable person be expected to do to keep the animal healthy?

¹ AS 11.81.900(45).

² AS 11.81.900(43).

For informational purposes, reasonable care as a test of liability for negligence is the degree of care that a prudent and competent person engaged in the same line of business or endeavor would exercise under similar conditions. In these circumstances, a “reasonableness” standard could be defined as using the degree of care, skill, and diligence which is used by ordinarily careful animal caretakers in the same or similar circumstances in his or similar community. Or more simply stated a “standard of conduct that a reasonable person would follow in the same situation.”

DEC Comment: The first draft of the regulations makes no attempt to further define “reasonable medical care”. “Reasonable medical care” is written in statute. We do have the authority to further define the term in regulation; however, in review of other states’ regulations we have not seen more specific language that we feel might be useful. Examples of other states’ rules include:

- I. “cannot fail to provide licensed veterinary or other appropriate medical care in cases of obvious, serious illness or injury.”
- II. “cannot fail to provide necessary medical attention and the animal suffers unnecessary or unjustifiable physical pain as a result.”
- III. “ Must ensure that necessary and standard veterinary care is provided in a timely matter.”

Comments:

- Producer: Prefers keep the term “reasonable”, without clarification.
- Veterinarian: Prefers reasonable.
- Producer: How would an animal control vet apply this standard?
- Veterinarian: It would vary by location and availability of medical care.

C. Some animals may not be in top condition all year. For instance, a breeding bull (especially notable in bison, elk and reindeer) 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 in the general standards. 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 will be considered.

No comments.

D. Skip a Day Feeding of Pigs: The first draft requires daily feeding. One producer pointed out that some people practice skip day feeding of mature pigs as a weight management tool. The DEC was not aware of the husbandry practice.

The Clemson University Extension Service guidance for swine feeding states:
Limit Feeding Gilts and Sows - Limit feeding to 4 to 6 pounds per day in the breeding herd is a MUST for maximum reproductive efficiency. Start replacement gilts on a limited feeding program at 180 to 200 pounds. Gestation rations normally work well for this purpose.

Feeding Bulky or Fibrous Feeds - A form of limit feeding may be used to lower the energy content of the ration. Bulky rations will usually not reduce the feed cost and, in many cases, they will cost more since the cost per pound is about the same and the sow will eat more of the bulky ration. Overfeeding as well as underfeeding the brood sow will reduce litter size, reduce sow performance, and decrease profits.

Skip-Day or Interval Feeding - Skip-day or interval feeding of brood sows and gilts is another method of limit feeding. The breeding herd is allowed access to self-feeders for 2 to 12 hours every second or third day. Under a third day feeding system, the gilts will eat approximately 12 pounds of feed, or 4 pounds for each day, and the sows around 15 pounds, or 5 pounds for each day. The amount of feed can be controlled by the length of time the gilts or sows are left on the self-feeders. Research shows that reproductive performance is essentially the same with either skip-day feeding or daily feeding a limited amount by hand. However, there is greater stress on fences and equipment with the skip-day method.

The recommended code of practice for pigs by the Canadian Food and Agriculture committee states that skip a day feeding of grains should be supplemented by roughage on alternate days.

Very little information is available on “skip a day” feeding. It may be that the practice is decreasing. The American Veterinary Medical Association has no policy statement or information on it. Some animal welfare organizations have statements against the practice. Some market organizations do not allow it. They do not say why they oppose it. Presumably, opposition to the practice must be based on people feeling that the pigs should not feel whatever level of hunger they may feel during that off day without food. This seems to be a minor issue because no other state rules have been found that expressly forbid the practice. Some producers in Alaska may be using this management practice.

Comments:

- Producer: Favors allowing skip a day feeding to allow for flexibility of husbandry.
- Veterinarian (to producer): Is skip a day a practice used for other livestock?
- Producer: Not that I know of except maybe to withhold feed/water for transport. It is common to hold animals off feed and water for several hours before transport to minimize feces and urine on the trailer and allow for cleaner transport.
- Producer: Feed withdrawal is used for inducing molting in chickens.

- *DEC Comment:* The induced molting issue has been discussed in bird meetings. Molting can be induced by adjusting light exposure and/or altering feed composition. Complete feed withdrawal is being phased out by large scale production companies in the Lower 48 due to alternative methods being available and welfare concerns. No chicken producers in Alaska have stated that they utilize any method to induce molt.

E. Rest stops while in transit: The draft has a requirement of 28 consecutive hours for feeding/watering/offloading of cattle. Participants pointed out that it can be difficult to find a spot to stop and offload in Canada; therefore, this time frame should be lengthened.

DEC comment: The 28 hour rule is consistent with U.S. Federal standards and other states. This issue has been raised in other workshops also. Of course it would be difficult to even drive for 28 hours straight in Alaska. We have researched how such a rule would need to be viewed by the legal system, and whether the clock would start ticking when a person crossed the border into Alaska or might include time spent on Canadian roadways. Alaska does not have any designated rest stops for animals, and although it could be easy enough to pull off a road and let a horse out to move around, the same cannot be said for swine or cattle.

Opinion from State Attorney General Office:

We have the authority to enforce a time limit on transportation of animals that might include time spent on the road in Canada.

DEC Comment: Canada has a 51 hours on trailer maximum. They do not have permanent specific “rest stops” for herd livestock, although they can arrange for locations to be utilized. Animals moving from the Lower 48 through Canada and into Alaska must have their trailer sealed. If the animals disembark, there must be a Canadian authority present to re-seal the trailer, in order for it to transit Canada and to re-enter the U.S. Furthermore, the US Federal 28 hour rule technically applies to animals moving from the lower 48 to Alaska. We are not aware of any attempts by federal agencies to enforce the 28 hour rule to trans-Canada shipments.

Comments:

- It’s hard to get through Canada, although it can be done in 51 hours. More rules will hamper movement. Can we just say that the 28 hour rule applies within Alaska only?
- What about barging cattle off of islands?
DEC Comment: We probably need a separate rule for barging. In the past we have consulted with producers who move or propose to move animals off islands, assisting them with information on logistics and recommended stocking densities. They could move to Alaska or directly to another state.
- USDA rules in general don’t always work for Alaska.

- Can exemptions be made for trailering time limits? For instance, if they stay on the trailer for longer periods with food and water made available. If they disembark, what would be the time requirement for the rest stop?
DEC Comment: We have not proposed time limits on trailers for captive exotics such as reindeer. They have special needs and are too diverse for one set of rules to cover. Cattle, swine, and horses would be covered. We have not considered how long a rest stop must be. We have not seen specific standards in other sets of rules to act as examples.
- What about emergency situations? Can we preface the time requirement with “under normal conditions” or something to that effect?
DEC Comment: We concur that the 28 hour rule should be waived in cases of emergency, such as vehicle breakdown, bad weather, etc. This points out the importance of transporters having a back-up or contingency plan and having feed and water with them or available in case they need to stop unexpectedly. We will research whether this type of “exemption” should be written in regulation or stated in our response to public comments, which acts as an interpretation of the standards. (OPEN)
- *DEC Comment:* We understand the challenges associated with disembarking animals from a trailer and reloading them. This can put more stress on the animals, especially if they are not accustomed to trailering. It poses the risk of injury and escape. This must be balanced with the risks associated with long term close confinement, exposure to the elements, and limited feed and water availability.

F. Allowance for snow as animal’s water intake.

Previous discussions centered on the fact that water availability can vary and that many animals (particularly open range livestock) can do fine with only access to snow. The topic was also explored in the horse meeting. As drafted, the regulation says:

“all animals must 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”

This verbiage does not disallow use of snow. No other states’ rules specifically address this issue. All just use the term “water”. Of course, snow becomes water once it gets ingested.

The Department of Law does not feel that it is necessary to further define water in the actual body of the regulation. Introduction of further verbiage about snow, ice, types of snow, etc. would further complicate the regulation for enforcement purposes. The DEC can provide an explanation of the intent in our formal response to public comment when the regulations are adopted. This would serve as a further interpretation that the court system would look to on the issue. (OPEN)

Comment:

- Prefer we keep it simple with just the term water.

Open Forum Comments:

- *DEC Comment:* We are participating in a series of animal transportation meetings and conferences with Canadian officials and lower 48 agencies and producers. One goal of the meetings is to streamline international movement procedures. Animal welfare during transport is another topic of discussion.
- Producer: Alaska should maintain its sovereignty on transportation issues.
- Producer: What are the ramifications of an animal getting hurt or dying while in transport?

DEC Comment:

If a person was using reasonable transportation methods, offering feed/water appropriately, and not exceeding time restraints, then it is an unfortunate incident. They should notify our office when something like that happens. We can do an interview and document the incident. This would protect the transporter from possible unfounded complaints.

We often end up hearing about these sorts of things anyway through the grapevine or from a concerned citizen. If we can explain to complainants that the situation has been looked into, we can usually satisfy their concerns.

We frequently consult with people about their long distance transport plans ahead of time. If a transporter has discussed their plans with us it can help them feel comfortable that they are doing things the right way.

We know that producers worry about unfounded complaints; however, sometimes complaints are warranted, and the DEC is responsible to the public for investigating complaints when lodged.