



NEW YORK
CITY BAR

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**REPORT ON LEGISLATION BY THE
COMMITTEE ON LEGAL ISSUES PERTAINING TO ANIMALS**

A.8163

M. of A. Rostenthal

This proposed legislation would amend the New York State Agriculture and Markets Law to prohibit the confinement of breeding sows, calves raised for veal, or egg-laying hens in a manner that prevents them from lying down, standing up, fully extending their limbs, or turning around freely. The effective date of the act would be January 1, 2015.

THIS BILL IS APPROVED

Nationally, about one million calves raised for veal and six million breeding sows (female pigs) are confined in small crates. Veal calves may be tethered or confined for as long as sixteen weeks in two-foot-wide crates which do not permit them to walk or exercise, leading to such physical ailments as digestive problems, discomfort, impaired locomotion, and a greater susceptibility to disease.¹ Gestation crates for breeding sows are individual, concrete-floored metal stalls measuring 2 – 2.3 feet wide by 6.6 – 6.9 feet long, which is only slightly larger than the animal and so severely restrictive of her movement that sows are unable to turn around within the crate.²

In addition, approximately 98 percent of egg-laying hens in the United States are confined indoors and in battery cages, which make it impossible for them to spread their wings or turn around. The average space allotted per bird is approximately 61 square inches. While recent industry guidelines have increased the recommended space-per-bird to between 67 and 86 inches,³ this amount of space is still smaller than a standard piece of 8 ½ by 11 inch paper.

¹ Farm Sanctuary, The Welfare of Cattle in Dairy Production: A Summary of the Scientific Evidence, http://www.farmsanctuary.org/mediacenter/assets/reports/dairy_report.pdf, (last visited May 9, 2009).

² Commission of the European Communities, 2001. COM (2001) 20 final 2001/0021 (CNS) Communication from the Commission to the Council and the European Parliament on the welfare of intensively kept pigs in particularly taking into account the welfare of sows reared in varying degrees of confinement and in groups. Proposal for a Council Directive 91/630/EEC laying down minimum standards for the protection of pigs, *as cited in* Humane Society of the United States, An HSUS Report: Welfare Issues with Gestation Crates for Pregnant Sows, 1 (2008), <http://www.hsus.org/web-files/PDF/farm/HSUS-Report-on-Gestation-Crates-for-Pregnant-Sows.pdf>.

³ United Egg Producers, United Egg Producers Animal Husbandry Guidelines for U.S. Egg Laying Flocks, <http://www.uepcertified.com/program/guidelines/categories/housing-space-feed-water>, (last visited May 9, 2009).

Confinement of calves, sows, and hens within these types of crates and cages is inherently cruel, as it deprives these animals of the ability to engage in natural behaviors, such as lying down, standing up, fully extending their limbs, or turning around freely.

The proposed law would amend the Agriculture and Markets Law by adding a new Section 353-e to make it unlawful for any person to confine such an animal in this manner, and would make violation of the law a Class A misdemeanor.

Six other states – Florida,⁴ Arizona,⁵ Oregon,⁶ Colorado,⁷ California,⁸ and Maine⁹ -- have enacted reforms similar to some or all of those proposed in this bill. The changes proposed by this piece of legislation, which allow for a gradual phase-out of these confinement methods between now and January 1, 2015, would require relatively modest changes, but would result in an alleviation of the needless discomfort and suffering of calves, sows, and hens which would otherwise be kept in these extreme confining conditions. A 2008 New York Times editorial in support of the California initiative averred that the law would “not just improve the square footage available to these suffering animals. Reducing the concentration of animals will also help reduce the water and air pollution created by factory farms. It will also begin to redress the imbalance between small farmers and the huge corporations that have acquired vertical, and fundamentally anti-competitive, control over the meat industry.”¹⁰

Prohibiting producers from keeping calves, sows, and hens in these extreme confinement conditions would result in more humane treatment of these animals, by reducing the physical stresses attendant to such confinement. Accordingly, the New York City Bar recommends passage of A.8163.

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⁴ Art. X, §21, Fla. Const. (adopted 2002).

⁵ Ariz. Rev. Stat. §13-2910.07, Cruel and inhumane confinement of a pig during pregnancy or of a calf raised for veal (2007).

⁶ 2007 Or. Laws Chapter 722.

⁷ Colo. Rev. Stat. §35-50.5 (2008).

⁸ California Health & Safety Code §§ 25990-25994 (2009), previously known as the Prevention of Farm Animal Cruelty Act.

⁹ LD 1021, passed both houses of Maine legislature and was signed into law by Governor John Baldacci May 12, 2009.

¹⁰ Standing, Stretching, and Turning Around, N.Y. Times, Oct. 8, 2008.