

HB 5127 AND 5128 AND WHERE WE ARE TODAY

History

During the spring of 2009, agricultural representatives were contacted by the lobbyist for the Humane Society of the United States (HSUS) about their plans to run a ballot initiative in Michigan, similar to that which passed overwhelmingly in California the year before.

That initiative called for the elimination of so-called battery cages for layers (egg production), veal crates and gestation stalls for swine. The measure called for the elimination of these production practices within 6 years, and that the animals should be able to lie down, stand up, extend their limbs and turn around.

Polling on the issue before the initiative really got under way indicated that more than 65% supported the initiative. After both sides of the issue spent a total of about \$30 million, the measure passed with a 67% vote.

HSUS has been active in several other states, including Colorado, Arizona, etc., and with great success everywhere.

Michigan

After confronted with the threat of a ballot initiative, several agricultural groups came together and devised a strategy to preempt the ballot initiative in Michigan, and this effort became HB 5127 and 5128.

Though these bills had no environmental implications, the environmental groups, HSUS and others aggressively opposed the bills. After three committee hearings, they were voted out of committee, and offered on the floor.

Speaker Pro-Tem Byrnes subsequently convened a meeting of “interested” parties, after which she declared that these bills would not move in the House unless there were major changes.

After that meeting, the pork and egg production industries made the calculated call that it made sense to meet with the HSUS and discuss the matter, and what might be able to be resolved through legislation to avoid a ballot initiative.

With this as background, the two sides did meet, without other agricultural groups that had been involved in the larger discussions. The simple reason for this is that these are the only two industries targeted by HSUS, and they are the industries that would have to make production changes, etc.

While other livestock species are concerned about what may happen as a result of these negotiations, the fact is that HSUS has not been active in initiating other legislative action on these other species. While there is a legislative issue pending in California regarding tail docking of cattle, and HSUS supports the measure, they claim that they did not initiate the legislation.

Negotiations

Negotiations between HSUS and the egg and swine industries commenced, and spread over a period of weeks. There was no legislative involvement in these discussions by either political party, nor the larger, all-species agricultural group.

Late in the day on Monday, September 14, 2009, after several conference calls, clarifications, and some minor tweaking of the draft substitute, the Michigan Pork Producers, and Michigan Allied Poultry Association endorsed the compromise agreement with the HSUS.

Content

Specifically, the agreement, contained in the substitute does several things. I have provided a comparison of the legislative agreement with the proposed ballot initiative below to provide a comparison of the two proposals:

	LEGISLATION	BALLOT INITIATIVE
Phase in of practices	10 years*	6 years
Space per laying hen	1.0 Square Feet	1.5 Square Feet
Administration	Michigan Dept. of Ag	Prohibits MDA actions
Violations	Civil Action	Criminal Complaint
Legislative Basis	Animal Industry Act	Penal Code

In addition, HSUS has offered a letter (attached) as evidence of their “good faith” in these negotiations, industry talking points (attached) and I have also included the latest draft of the proposed substitute for HB 5127.

While there are those that want to fight an HSUS ballot initiative, if experience tells us anything, that is that it would be very difficult (reference the poll numbers above, and we are told that the issue is polling in Michigan better than it did initially in California) and extremely expensive (\$15-20 million, with no guarantee of the outcome).

Some have suggested that time is not of the essence on this issue, but we have also been told that HSUS plans to start circulating petitions during the Michigan-Michigan State Football game, set for October 3, 2009.

The simple facts are that while no one likes this situation, and would prefer business as usual, that paradigm has shifted, and whether it is a ballot initiative or legislation, swine, veal and egg production in Michigan is going to change.

* HSUS and the industry have agreed not to ask for immediate effect for the measure so that will provide a few additional months for farmers to comply with the new requirements.