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TESTIMONY OF THE DEPARTMENT OF AGRICULTURE  
BEFORE THE SENATE COMMITTEES ON JUDICIARY

FEBRUARY 27, 2020  
10:30 A.M.  
CONFERENCE ROOM 016

HOUSE BILL NO. 3153 SD1  
RELATING TO ANIMAL CRUELTY

Chairperson Rhoads and Members of the Committee

Thank you for the opportunity to testify on Senate Bill 3153, SD1, which beginning 1/1/2021, prohibits the confinement of specified farm animals in a cruel manner and prohibits business owners and operators from selling certain products made from those animals. The Department continues to oppose this measure.

This bill proposes to penalize poultry producers, backyard farmers and hobbyists that choose to raise poultry with standard production cage methods. When the American Veterinary Medical Association, an organization representing 91,000 veterinarians evaluated cage and non-cage systems for housing layers they found trade offs between both methods with welfare advantages and disadvantages to every housing system. Given these findings poultry producers should have the freedom to choose the method they prefer to house their poultry.

This bill will cause significant economic damage to swine farmers in Hawaii. Our veterinary staff works closely with our swine producers and estimate between 80-90% of our farms utilize farrowing crates to house sows during the farrowing through weaning period. The use of farrowing crates significantly decreases injury and death of



baby pigs from crushing. Prohibiting the use of these farrowing crates and gestation stalls will greatly increase the loss of baby pigs.

The restrictions this bill places on veal calves will also negatively impact dairy producers who utilize calf cribs to house new-born calves to feed and closely monitor their health during the first few weeks of their life.

The Department cannot support this bill because it mandates elimination of accepted livestock production methods whereas welfare concerns in some cases, such as mortality rates, is expected to increase from these changes, and continues to criminalize violations for standard industry conduct in Section -D of the proposed new chapter.

Thank you for the opportunity to testify on this bill.

**Hearing date:** Thursday, February 27, 2020

**Time & Location:** 10:30am in Conference Room 016

**To:** Chair Karl Rhoads  
Vice Chair Jarrett Keohokalole  
Members of the Senate Committee on Judiciary

**Submitted by:** Dr. Sara Shields, Senior Scientist for Humane Society International

**Re:** Testimony in strong SUPPORT of SB 3153

Chair Rhoads, Vice Chair Keohokalole, and Members of the Committee:

Thank you for considering my testimony. My name is Dr. Sara Shields and I am an ethologist, a specialist in animal behavior. I completed my doctoral work at the University of California at Davis. I am the Senior Scientist for Humane Society International, and I work with farmers to implement higher-welfare housing systems around the world. I respectfully request your support for SB 3153, a bill that would require modest protections for farm animals.

The confinement of animals in intensive agricultural production systems is an important issue—important especially to consumers and food companies who are increasingly concerned about how food is produced. Certain aspects of intensive animal production are known to be detrimental to the welfare of farm animals, as this is well documented in the scientific literature. Calves and pigs crated in stalls, barely larger than their own bodies, are unable even to turn around, and egg-laying hens confined to small, wire cages cannot even spread their wings. These systems prevent the expression of important natural behavior and have real physical consequences on the health and well-being of the animals. For example the lack of normal movement and exercise can lead to joint damage,<sup>1</sup> reduced muscle weight,<sup>2</sup> and skeletal weakness,<sup>3,4,5</sup> and cause difficulty for the animals to rest in normal positions.<sup>6,7,8</sup> Pigs need separate, clean functional areas for eating and resting.<sup>9</sup> Young calves, normally energetic and playful, are unable to engage in normal social behavior when tied in crates and can't adopt normal grooming postures. Both calves and pigs will begin to display abnormal, stereotypic behavior when prevented from expressing their behavioral needs, a sign of psychosis from prolonged restriction of movement, social deprivation and the prevention of behavioral needs.<sup>10,11</sup> Hens in cages are unable to roost at preferred heights, dustbathe, forage or express other forms of highly motivated natural behavior, each with a particular biological function. Comfort behavior, such as stretching, wing-flapping, and preening, are also reduced or prevented in the battery-cage environment.<sup>12,13,14</sup> Cages and crates are simply not acceptable housing environments.

To better accommodate the welfare of the animals, aviary and group housing systems have been developed, widely tested and implemented on farms around the world. In aviary systems for commercial egg production, hens have access to nesting boxes, perches and loose litter. This system is designed around the natural behavior of the hens, working with, rather than suppressing, normal hen activity. Hens make good use of the nest boxes, because they prefer to lay their eggs in a darkened, enclosed space. The eggs gently roll out of the back of the nests onto an egg belt, which in an automated system carries them to an egg processing station at the end of the barn. When well-managed, floor eggs (those laid outside of the nests) are rare (less than 1%). Problems with floor eggs are usually caused by improper rearing conditions, lack of uniform lighting, or not enough nest space. Given the trend toward cage-free housing, there is now a large body of advice, guidelines and information from universities, genetics companies, animal welfare certifiers and equipment manufacturers to assist egg producers in managing cage-free systems well. Cage-free egg producers are subject to the same food safety regulations that cage-egg producers must follow. Systematic comparisons of cages to cage-free systems have shown that there may even be food safety benefits to installing new, cage-free systems.<sup>15</sup> Cage-free egg production is safe, economic and efficient.

The alternative to gestation crates for sows is group housing. There are many different types of group housing systems, but all share the characteristics of providing more space, room for social interaction, and more comfortable lying areas. The lay-out of group pens is usually based on the way the sows are fed, with either individual feeding stalls, drop feeders or Electronic Sow Feeding (ESF) systems. Small groups of sows will establish a defined social hierarchy, and so their housing systems must be designed and managed to accommodate natural dominate-subordinate relationships. Feeding systems should be “non-competitive” to prevent aggression. Small groups of familiar sows interact more harmoniously than dynamic groups, which change regularly. However, management steps such as increasing the space allowance when mixing new sows into an established group can ease the introduction.

Group housing is also increasingly being used for the rearing of veal calves. In group housing pens, calves can interact, play and rest more comfortably.<sup>16</sup> They are less likely to develop abnormal oral behavior such as tongue rolling than when kept in individual crates or stalls.<sup>17, 18</sup> In 2007, the American Veal Association’s board of directors unanimously approved a policy that the veal industry fully transition to group housing production. As reported by the industry journal *Feedstuffs*, this policy resolution was due in part to the fact that “[v]eal customers and consumers are concerned with current individual stall systems, and how animals are raised is increasingly part of customer and consumer purchasing decisions.”<sup>19</sup> Progress toward this goal has been substantial. In 2018, the President of the American Veal Association confirmed that “...all AVA-member companies and individuals involved in veal production have successfully transitioned to group housing and no tethers....Industry members have invested more than \$150 million in building new facilities and renovations to achieve this milestone. Those members include

Marcho Farms, Catelli Brothers, Strauss Brand Veal, Midwest Veal, Strauss Veal Feeds, and Provimi Foods.”<sup>20</sup> SB 3153 would prevent non-AVA members from undercutting the good progress in animal welfare that the rest of the industry has made.

In their prior testimony, submitted for the February 12, 2020 meeting of the Senate Committee of Agriculture and Environment, the University of Hawaii and their Swine Extension Specialist (Halina M. Zaleski) opposed the bill, but their reasoning misrepresents the true state of alternative systems and the science. There is ample research evidence that intensively confined animals want additional space. Preference testing is a standard experimental method in animal behavior research, and it has clearly demonstrated that sows will work for, and that they value, an enriched group pen over gestation crates.<sup>21</sup> The same is true in preference testing for hens.<sup>22,23,24,25,26</sup> These studies, some of them foundational in the field of animal welfare science, have led us to understand that environmental complexity is important to animals, and that they need an enriched, interesting and engaging environment with the opportunity for freedom of movement and expression of choice in order to be comfortable and experience an acceptable quality of life.

Dr Harold Gonyou’s (unreferenced) study in the testimony of Dr. Zaleski is presented as evidence that sows prefer to be in stalls, misrepresenting the position of this accomplished scientist. To illustrate, in an address to the pork production industry of Canada in 2001, Dr Gonyou stated:

*The major objection to gestation stalls is that they do not allow the animal freedom of movement. ... I suggest that freedom of movement is important for three reasons: it provides the animal with control over its environment; it reduces frustration; and, it maintains physical condition...”<sup>27</sup>*

Dr Gonyou conducted some of the key research developing group housing systems for sows and gilts. Much of this work took place at the Prairie Swine Center in Saskatoon, Canada, a hub of pig welfare science that began as a research arm of the University of Saskatchewan. In partnership with the Canadian government, this Center is now facilitating the national [Sow Housing Conversion Project](#), helping producers transition to group housing systems, away from gestation crates.

The University of Hawaii and associates also referenced outdated materials (The AVMA position and task force report, which was issued in 2005, not 2015). Producers using alternative systems have innovated through the original challenges, outpacing the initial research which aimed to identify the problems in order to solve them, and are operating successful cage- and crate-free systems all over the world. The position of major veterinary institutions is changing. In 2018 the World Organisation for Animal Health (OIE), the intergovernmental authority made up

Field Code Changed

of the Chief Veterinary Officers of 182 member countries, adopted a pig welfare guideline stating “Sows and gilts, like other pigs, are social animals and prefer living in groups, therefore pregnant sows and gilts should preferably be housed in groups.”<sup>28</sup> (A companion guideline on the welfare of hens is pending adoption this year).

The University of Hawaii argues that there are National standards already in place, such as The Pork Quality Assurance Plus program, but these do not have requirements to even ensure that sows have the ability to turn around in housing and thus are inadequate to address the welfare issue.

For these reasons and so many others, I implore you to enact SB 3153 and bring Hawaii’s animal production in line with the science and modern expectations regarding how farm animals should be housed.

Thank you very much for your time and consideration of this important matter.

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<sup>1</sup> Fredeen HT and Sather AP. 1978. Joint damage in pigs reared under confinement. *Canadian Journal of Animal Science* 58:759-73.

<sup>2</sup> Marchant JN and Broom DM. 1996. Effects of dry sow housing conditions on muscle weight and bone strength. *Animal Science* 62:105-13.

<sup>3</sup> Shipov A, Sharir A, Zelzer E, Milgram J, Monsonneg-Orran E, and Shahar R. 2010. The influence of severe prolonged exercise restriction on the mechanical and structural properties of bone in an avian model. *The Veterinary Journal* 183:153–60.

<sup>4</sup> Knowles TG and Broom DG. 1990. Limb bone strength and movement in laying hens from different housing systems. *Veterinary Record* 126:354-6.

<sup>5</sup> Norgaard-Nielsen G. 1990. Bone strength of laying hens kept in an alternative system compared with hens in cages and on deep-litter. *British Poultry Science* 31(1):81-9.

<sup>6</sup> Anil L, Anil SS, and Deen J. 2002. Evaluation of the relationship between injuries and size of gestation stalls relative to size of sows. *Journal of the American Veterinary Medical Association* 221:834-6.

<sup>7</sup> Stull CL and McDonough SP. 1994. Multidisciplinary approach to evaluating welfare of veal calves in commercial facilities. *Journal of Animal Science* 72:2518-24.

<sup>8</sup> Andrighetto I, Gottardo F, Andreoli D, and Cozzi G. 1999. Effect of type of housing on veal calf growth performance, behaviour and meat quality. *Livestock Production Science* 57:137-45.

<sup>9</sup> Ekesbo I. 1980. Some aspects of sow health and housing. In: Sybesma W (ed.), *The Welfare of Pigs* (London, England: Martinus Nijhoff Publishers).

<sup>10</sup> Friend TH and Dellmeier GR. 1988. Common practices and problems related to artificially rearing calves: an ethological analysis. *Applied Animal Behaviour Science* 20:47-62.

<sup>11</sup> Vieuille-Thomas C, Le Pape G, and Signoret JP. 1995. Stereotypies in pregnant sows: indications of influence of the housing system on the patterns expressed by the animals. *Applied Animal Behaviour Science* 44:19-27.

<sup>12</sup> Nicol CJ. 1987. Effect of cage height and area on the behaviour of hens housed in battery cages. *British Poultry Science* 28:327-35.

<sup>13</sup> Hughes BO and Black AJ. 1974. The effect of environmental factors on activity, selected behaviour patterns and “fear” of fowls in cages and pens. *British Poultry Science* 15:375-80.

<sup>14</sup> Appleby MC, Mench JA, and Hughes BO. 2004. *Poultry Behaviour and Welfare* (Wallingford, U.K.: CABI Publishing).

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- <sup>15</sup> An HSUS Report: Food Safety and Cage Egg Production. 2011. [www.humanesociety.org/sites/default/files/docs/report-food-safety-eggs.pdf](http://www.humanesociety.org/sites/default/files/docs/report-food-safety-eggs.pdf). Accessed February 6, 2020.
- <sup>16</sup> Andrighetto I, Gottardo F, Andreoli D, and Cozzi G. 1999. Effect of type of housing on veal calf growth performance, behaviour and meat quality. *Livestock Production Science* 57(2):137-45.
- <sup>17</sup> Veissier I, Ramirez de la Fe AR, and Pradel P. 1998. Nonnutritive oral activities and stress responses of veal calves in relation to feeding and housing conditions. *Applied Animal Behaviour Science* 57(1/2):35-49.
- <sup>18</sup> Webster AJ, Saville C, Church BM, Gnanasakthy A, and Moss R. 1985. The effect of different rearing systems on the development of calf behaviour. *British Veterinary Journal* 141(3):249-64.
- <sup>19</sup> Smith R. 2007. Veal group housing approved. *Feedstuffs*, August 6, p. 3.
- <sup>20</sup> American Veal Association. Group housing. [www.americanveal.com/group-housing](http://www.americanveal.com/group-housing). Accessed February 7, 2020.
- <sup>21</sup> Pittman Elmorea MR, Garner JP, Johnson AK, Kirkden RD, Richert BT, and Pajor EA. 2011. Getting around social status: Motivation and enrichment use of dominant and subordinate sows in a group setting. *Applied Animal Behaviour Science* 133:154-163.
- <sup>22</sup> Hughes BO. 1975. Spatial preference in the domestic hen. *British Veterinary Journal* 131(5):560-4.
- <sup>23</sup> Dawkins M. 1978. Welfare and the structure of a battery cage: size and cage floor preferences in domestic hens. *British Veterinary Journal* 134(5):469-75.
- <sup>24</sup> Nicol CJ. 1986. Non-exclusive spatial preference in the laying hen. *Applied Animal Behaviour Science* 15:337-50.
- <sup>25</sup> Dawkins M. 1981. Priorities in the cage size and flooring preferences of domestic hens. *British Poultry Science* 22(3):255-63.
- <sup>26</sup> Dawkins MS. 1983. Cage size and flooring preferences in litter-reared and cage-reared hens. *British Poultry Science* 24(2):177-82.
- <sup>27</sup> Gonyou, H. 2001. Group Housing of Sows: The Potential for the Future presented at the 2001 Focus on the Future Conference, February 20-21, Red Deer, Alberta, Canada.
- <sup>28</sup> World Organisation for Animal Health. 2018. Terrestrial Animal Health Code, Chapter 7.13. Animal Welfare and Pig Production Systems, Article 7.13.12.



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**Hearing date:** Thursday, February 27, 2020

**Time & Location:** 10:30am in Conference Room 016

**To:** Chair Karl Rhoads  
Vice Chair Jarrett Keohokalole  
Members of the Senate Committee on Judiciary

**Submitted by:** Ashley Doyle, Public Policy Specialist, the Humane Society of the United States

**Re: Testimony in strong SUPPORT of SB 3153**

Chair Rhoads, Vice Chair Keohokalole, and Members of the Committee:

Thank you very much for considering my testimony.

The Humane Society of the United States (HSUS), on behalf of our thousands of supporters across Hawaii, thanks Senator Kahele for introducing SB 3153. We wholeheartedly support the passage of this measure, which provides modest protections for three types of farm animals who are most commonly confined to tiny cages: baby veal calves, mother pigs and egg laying hens.

Last year, HSUS supported a similar bill. After hearing, meeting with, and addressing the concerns of those who opposed the bill, we hope that you will support SB 3153 with the amendments (attached) offered by Iris Shimabukuro of the Hawaiian Egg Company, which HSUS also strongly supports.

All of Hawaii's main egg producers, including Hawaiian Egg Company, Petersons' Upland Farms, Maili Moa, OK Poultry, and Villa Rose support SB 3153. They support the bill because it adopts the egg industry's own guidelines for cage-free standards, which in turn creates investment certainty and safer food while bolstering the reputation of agribusiness. It's certainly a non-partisan and business-friendly bill when both humane organizations and companies in the sector come together in support.

Over the past few decades, Americans' interest in the welfare of farm animals has surged. Much of the concern focuses on the amount of space animals are afforded, and whether they're free to exhibit basic natural behaviors. Hawaii residents and lawmakers have consistently demonstrated a high level of concern for animal welfare. SB 3153 would send an important message that all animals—including farm animals—deserve protection in Hawaii.

Much of the pork sold in Hawaii today comes from industrial factory farms in which mother pigs are forced to live in coffin-like enclosures called "gestation crates." These crates are so small the animals cannot turn around. Similarly, some veal sold in Hawaii still comes from newborn calves who are locked in crates barely larger than their own bodies.





Millions of hens used for eggs are confined to tiny, wire cages. Each bird typically has a space no larger than an iPad on which to live her entire life. The birds cannot spread their wings and are prevented from performing nearly all of their normal behaviors. Due to lack of movement, hens often suffer severe physical ailments such as osteoporosis.

Extensive scientific evidence confirms what commonsense tells us: that these animals are capable of suffering, just like the cats and dogs with whom we share our homes. SB 3153 would simply require—after a reasonable phase-in time—facilities in Hawaii and those that supply Hawaii’s marketplace to give these animals cage-free conditions with enough space to lie down, stand up, fully extend their limbs, and turn around freely.

Fortunately, the tide is already turning against the extreme confinement of farm animals. Twelve other states have already taken steps to crack down on these practices. Just last year, Michigan, Oregon and Washington passed bipartisan legislation—endorsed by the egg industry and the HSUS—with language regarding eggs virtually identical to this proposed legislation. California and Massachusetts also have similar laws to SB 3153, which voters approved via ballot measure in landslide fashion. And Arizona, Colorado, and Maine have nearly identical bills that were just introduced. These legislative efforts have been supported by hundreds of American family farmers who believe these standards to reflect their values.

In addition to this bevy of legislation, the corporate sector is moving decisively in the cage-free direction, too. More than 200 of the world’s top food companies, including Foodland, Safeway, Walmart, McDonald’s, Costco, and Taco Bell—as well as countless small restaurants and retailers—are requiring their meat and egg suppliers to go cage-free. And these changes are extremely affordable: McDonald’s, for example, has stated that its transition won’t cause it to raise its prices by even a penny.

SB 3153 will also make food safer for Hawaii’s families. Foodborne pathogens spread like wildfire in facilities that cram millions of animals into cages so small they can barely move. More than a dozen studies have found that cage egg facilities harbor *Salmonella* at higher rates than cage-free farms. According to the FDA, tens of thousands of Americans are sickened every year by eggs contaminated with *Salmonella*. These illnesses cause significant economic losses in terms of reduced productivity, as well as human suffering. A leading poultry industry publication acknowledged the science, stating “*Salmonella* thrives in cage housing.”

SB 3153 takes commonsense steps to improve animal welfare, food safety, and the future of sustainable agriculture. Hawaii has consistently been a leader in protecting animals from abuse, and SB 3153 fits perfectly with that tradition.

For the foregoing reasons, we kindly urge you to vote yes on SB 3153.



Finally, we would like to note that at the Senate Agriculture and Environment committee hearing on Feb. 12, 2020, some but not all of Iris Shimabukuro's offered amendments were adopted. We believe that may have been a simple recording error and respectfully ask this committee to adopt the amendments in their entirety. We've attached Iris Shimabukuro's amendments for ease of reference.

Sincerely,

*Ashley Doyle*

Ashley Doyle  
Public Policy Specialist, Farm Animal Protection  
The Humane Society of the United States

## A BILL FOR AN ACT

RELATING TO ANIMAL CRUELTY.

### BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1       SECTION 1. The legislature finds that-certain methods of  
2 farm animal containment are cruel to animals and threaten human  
3 health and safety by increasing the risk of foodborne illness.

4       The purpose of this Act is to prevent cruelty to farm  
5 animals by phasing out extreme methods of farm animal  
6 confinement and the sale of products produced through extreme  
7 confinement.

8       SECTION 2. The Hawaii Revised Statutes is amended by  
9 adding a new chapter to title 11 to be appropriately designated  
10 and to read as follows:

#### 11                                   "CHAPTER

#### 12                                   PREVENTION OF CRUELTY TO FARM ANIMALS

13       §   -A Definitions. As used in this chapter:

14       "Breeding pig" means any female pig of the porcine species,  
15 kept for the purpose of commercial breeding, that is six months  
16 or older, or pregnant.

## S.B. 3153

"Business owner or operator" means any person who owns or controls the operations of a business.

"Cage-free housing system" means an indoor or outdoor controlled environment for egg-laying hens within which hens are free to roam unrestricted; are provided enrichments that allow them to exhibit natural behaviors, including scratch areas, perches, nest boxes, and dust bathing areas; and within which farm employees can provide care while standing within the hens' usable floor space. Cage-free housing systems include, to the extent that they comply with the requirements of this chapter:

- (1) Multi-tiered aviaries;
- (2) Partially-slatted systems;
- (3) Single-level all-litter floor systems; and
- (4) Any other future systems that will comply with the requirements of this chapter.

The term does not include systems commonly described as battery cages, colony cages, enriched cages, enriched colony cages, modified cages, convertible cages, or furnished cages.

"Calf raised for veal" means any calf of the bovine species kept for the purpose of producing the food product described as veal.

**S.B. 3153**

"Confined in a cruel manner" means any of the following

acts:

(1) Confining a calf raised for veal with less than forty-three square feet of usable floor space per calf;

(2) Confining a breeding pig with less than twenty-four square feet of usable floor space per pig; or

(3) Confining an egg laying hen:

(A) In an enclosure other than a cage-free housing system; or

(B) With less than:

(i) One square foot of usable floor space per hen in multi-tiered aviaries, partially-slatted cage-free systems, or any other cage-free system that provides hens with unfettered access to vertical space; or

(ii) One and a half square feet of usable floor space per hen in single-level all-litter floor cage-free systems, or any other cage-free system that does not provide hens with unfettered access to vertical space.



**S.B. 3153**

1 "Covered animal" means any calf raised for veal, breeding  
2 pig, or egg-laying hen that is kept on a farm.

3 "Department" means the department of agriculture.

4 "Egg-laying hen" means any female domesticated chicken,  
5 turkey, duck, goose, or guinea fowl kept for the purpose of  
6 commercial egg production.

7 "Egg products" means eggs of an egg-laying hen broken from  
8 the shells and intended for human food, whether in liquid,  
9 solid, dried, or frozen form; whether raw or cooked; and with  
10 the yolks and whites in their natural proportions, or with the  
11 yolks and whites separated, mixed, or mixed and strained. The  
12 term does not include combination food products, including  
13 pancake mixes, cake mixes, cookies, pizzas, cookie dough, ice  
14 cream, or similar food products that consist of more than egg  
15 products, sugar, salt, water, seasoning, coloring, flavoring,  
16 preservatives, stabilizers, and similar food additives.

17 "Enclosure" means a structure used to confine a covered  
18 animal or animals.

19 "Farm" means the land, building, support facilities, and  
20 other equipment that are wholly or partially used for the  
21 commercial production of animals or animal products used for



**S.B. 3153**

1 food. The term does not include live animal markets,  
2 establishments at which mandatory inspection is provided under  
3 the Federal Meat Inspection Act (21 U.S.C. section 601, et  
4 seq.), or official plants at which mandatory inspection is  
5 maintained under the Federal Egg Products Inspection Act (21  
6 U.S.C. section 1031, et seq.).

7 "Farm owner or operator" means any person who owns or  
8 controls the operations of a farm.

9 "Meat" means the part of the muscle of any animal that is  
10 skeletal or that is found in the tongue, diaphragm, heart, or  
11 esophagus, with or without the accompanying and overlying fat,  
12 and the portions of bone, skin, sinew, nerve, and blood vessels  
13 that normally accompany the muscle tissue and that are not  
14 separated from it in the process of dressing. The term does not  
15 include the muscle found in the lips, snout, or ears.

16 "Multi-tiered aviary" means a cage-free housing system in  
17 which hens have unfettered access to multiple elevated platforms  
18 that provide hens with usable floor space both on top of and  
19 underneath the platforms.

20 "Partially-slatted system" means a cage-free housing system  
21 in which hens have unfettered access to elevated flat platforms



1 under which manure drops through the flooring to a pit or litter  
2 removal belt below.

3 "Person" means any individual, firm, partnership, joint  
4 venture, association, limited liability company, corporation,  
5 estate, trust, receiver, or syndicate.

6 "Pork meat" means meat of a pig of the porcine species that  
7 is intended for use as human food.

8 "Sale" means a commercial sale by a business that sells any  
9 item covered by this chapter, but does not include any sale  
10 undertaken at an establishment at which mandatory inspection is  
11 provided under the Federal Meat Inspection Act (21 U.S.C.  
12 section 601, et seq.), or any sale undertaken at an official  
13 plant at which mandatory inspection is maintained under the  
14 Federal Egg Products Inspection Act (21 U.S.C. section 1031, et  
15 seq.). For purposes of this chapter, a sale shall be deemed to  
16 occur at the location where the buyer takes physical possession  
17 of the item.

18 "Shell egg" means a whole egg of an egg-laying hen in its  
19 shell form that is intended for use as human food.



**S.B. 3153**

1 "Single-level all-litter floor system" means a cage-free  
2 housing system bedded with litter, in which hens have limited or  
3 no access to elevated flat platforms.

4 "Uncooked" means requiring cooking prior to human  
5 consumption.

6 "Usable floor space" means the total square footage of  
7 floor space provided to each covered animal, as calculated by  
8 dividing the total square footage of floor space provided to the  
9 animals in an enclosure by the number of animals in that  
10 enclosure. In the case of egg-laying hens, usable floor space  
11 includes both ground space and elevated level or nearly level  
12 flat platforms upon which hens can roost, but does not include  
13 perches or ramps.

14 "Veal meat" means meat of a calf raised for veal that is  
15 intended for use as human food.

16 "Whole pork meat" means any uncooked cut of pork meat,  
17 including bacon, ham, chop, ribs, riblet, loin, shank, leg,  
18 roast, brisket, steak, sirloin, or cutlet, that consists  
19 entirely of pork meat, except for seasoning, curing agents,  
20 coloring, flavoring, preservatives, and similar meat additives.  
21 Whole pork meat does not include combination food products,

## S.B. 3153

1 including soups, sandwiches, pizzas, hot dogs, or similar  
2 processed or prepared food products that consist of more than  
3 pork meat, seasoning, curing agents, coloring, flavoring,  
4 preservatives, and similar meat additives.

5 "Whole veal meat" means any uncooked cut of veal meat,  
6 including chop, ribs, riblet, loin, shank, leg, roast, brisket,  
7 steak, sirloin, or cutlet, that consists entirely of veal meat,  
8 except for seasoning, curing agents, coloring, flavoring,  
9 preservatives, and similar meat additives. Whole veal meat does  
10 not include combination food products, including soups,  
11 sandwiches, pizzas, hot dogs, or similar processed or prepared  
12 food products that consist of more than veal meat, seasoning,  
13 curing agents, coloring, flavoring, preservatives, and similar  
14 meat additives.

15 § -B Prohibitions. (a) Notwithstanding any other  
16 provision of law to the contrary, beginning ~~January 1, 2021~~December  
17 31, 2025, it  
18 shall be unlawful for a farm owner or operator within the State  
19 to knowingly cause any covered animal to be confined in a cruel  
20 manner.

20 (b) Notwithstanding any other provision of law to the  
21 contrary, beginning ~~January 1, 2021~~December 31, 2025, it shall be  
unlawful for a

**S.B. 3153**

1 business owner or operator to knowingly engage in the sale in  
2 the State of any:

3 (1) Shell egg that the business owner or operator knows or  
4 should know is the product of a covered animal that  
5 was confined in a cruel manner;

6 (2) Egg products that the business owner or operator knows  
7 or should know are the product of a covered animal  
8 that was confined in a cruel manner;

9 (3) Whole veal meat that the business owner or operator  
knows or should know is the meat of a covered animal  
11 that was confined in a cruel manner; or

12 (4) Whole pork meat that the business owner or operator  
13 knows or should know is the meat of a covered animal  
14 that was confined in a cruel manner, or is the meat of  
15 the immediate offspring of a covered animal that was  
16 confined in a cruel manner.

17 § **-C Exceptions.** Section -B(a) shall not apply  
18 during:

19 (1) Medical research;

20 (2) Examination, testing, or individual treatment or  
21 operation for veterinary purposes, but only if

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## S.B. 3153

performed by or under the direct supervision of a  
licensed veterinarian;

(3) Transportation;

(4) State or county fair exhibitions, 4-H programs, and  
similar exhibitions;

(5) Slaughter in accordance with any applicable laws,  
rules, and regulations;

(6) The five-day period prior to a breeding pig's expected  
date of giving birth, and any day that the breeding  
pig is nursing piglets; or

(7) Temporary periods for animal husbandry purposes  
lasting no longer than six hours in any twenty-four-  
hour period, and no more than twenty-four hours total

14 in any thirty-day period.

§ -D Applicability. This chapter shall not prohibit a farm  
owner or operator from maintaining a flock of ten thousand or fewer caged egg-  
laying hens, or selling shell eggs or egg products from such a flock, provided  
that:

(a) The farm owner or operator does not knowingly cause any  
egg-laying hen to be confined with less than one square  
foot of usable floor space per hen, unless such  
confinement falls under one of the categories described  
in § -B(c); and

=====

(b) Any egg-laying hen added to the farm owner or operator's flock after December 31, 2025 is not confined in a cruel manner.

~~14~~15 § ~~-DE~~ **Penalties.** (a) Any person who violates any  
~~15~~16 provision of this chapter ~~shall be guilty of a misdemeanor, and~~  
~~16~~17 shall be subject to a civil fine in an amount not less than \$500 or  
more than \$1,000 ~~to exceed \$5,000~~ per  
~~17~~18 violation.  
~~18~~19 (b) In addition to the penalties listed in subsection (a),  
~~19~~20 a violation of section -B(b) shall be considered an unfair

=====

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1 method of competition and unfair or deceptive trade practice  
2 under chapter 481A, upon which any person may bring an action.

3       §    ~~EF~~ **Defense.** It shall be a defense to any action to  
4 enforce this chapter that a business owner or operator relied in  
5 good faith upon a written certification by the supplier that the  
6 shell eggs, egg products, whole veal meat, or whole pork meat at  
7 issue were not derived from a covered animal that was confined  
8 in a cruel manner, or from the immediate offspring of a breeding  
9 pig that was confined in a cruel manner.

10       §    ~~FG~~ **Rules.** The department shall adopt rules, pursuant  
11 to chapter 91, necessary for the purposes of this chapter.

12       §    ~~GH~~ **Construction.** The provisions of this chapter shall  
13 be in addition to, and not in lieu of, any other law protecting  
14 animal welfare. This chapter shall not be construed to limit  
15 any other state laws or rules protecting the welfare of animals  
16 or to prevent the counties from adopting and enforcing  
17 ordinances, laws, and rules that are more restrictive than this  
18 chapter."

19       SECTION 3. If any provision of this Act, or the  
20 application thereof to any person or circumstance, is held  
21 invalid, the invalidity does not affect other provisions or



**S.B. 3153**


1 applications of the Act that can be given effect without the  
2 invalid provision or application, and to this end the provisions  
3 of this Act are severable.

4 SECTION 4. In codifying the new sections added by section  
5 2 of this Act, the revisor of statutes shall substitute  
6 appropriate section numbers for the letters used in designating  
7 the new sections in this Act.

8 SECTION 5. This Act shall take effect upon its approval.

9

INTRODUCED BY:

 (BR)

=====

Farm Animals; Cruel Confinement; Sales

Beginning 1/1/2021, prohibits the confinement of specified farm animals in a cruel manner and prohibits business owners and operators from selling certain products made from those animals.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

.....





**Hearing date:** Wednesday, February 12, 2020

**Time & Location:** 1:30pm in Conference Room 224

**To:** Chair Mike Gabbard  
Vice Chair Russell E. Ruderman  
Members of the Senate Committee on Agriculture and Environment

**Submitted by:** Sujatha Bergen, Health Campaigns Director, Health and Food Division,  
Natural Resources Defense Council, 202 717 8294

**Re:** Testimony in strong SUPPORT of SB 3153

Chair Gabbard, Vice Chair Ruderman, and Members of the Committee:

On behalf of the Natural Resources Defense Council (NRDC) and our supporters across Hawaii, I'm writing to respectfully ask for your support of SB 3153.

We at the NRDC have long been concerned with environmentally-destructive practices used in industrialized animal agriculture. One of the most concerning practices is the extreme confinement of farm animals in cages or crates. While you are surely hearing about the animal welfare reasons to pass SB 3153, there are strong environmental reasons to do so as well.

On Concentrated Animal Feeding Operations (CAFOs), far too much animal waste is produced for the land to absorb in a productive way. Because transporting this waste to fields in need of fertilizer is expensive, it's frequently stored in giant lagoons or applied in excess amounts to nearby land. The gases emitted from the waste increase the risk of asthma and other health problems in nearby communities. Large amounts of nitrogen and phosphorous end up in rivers and streams, causing algal blooms that wipe out fish and other aquatic life. While CAFOs of different varieties cause these problems, those that cage or crate animals are among the worst because of the extreme concentration of animals.

Passing SB 3153 would be a positive development for sustainable agriculture in Hawaii and beyond. Thank you for considering NRDC's opinion.

**NATURAL RESOURCES DEFENSE COUNCIL**

1152 15TH STREET NW | WASHINGTON, DC | 20005 | T 202.289.6868 | F 202.289.1060 | NRDC.ORG

**SB-3153-SD-1**

Submitted on: 2/24/2020 2:06:29 PM

Testimony for JDC on 2/27/2020 10:30:00 AM

| Submitted By      | Organization                                | Testifier Position | Present at Hearing |
|-------------------|---|--------------------|--------------------|
| Climate Protector | Testifying for Climate Protectors Coalition | Support            | No                 |

Comments:

NOTICE OF HEARING

DATE: Thursday , February 27, 2020

TIME: 10:30 a.m.

Conference Room 016

State Capitol

415 South Beretania Street

Decision making Hearing Thursday  
February 27, 2020 10:30 am

PLACE: Aloha Chair Rhoads, Vice Chair  
Keohokalole, and members of the  
Committee on Judiciary:

The Climate Protectors Coalition **strongly supports SB3153 SD1!**

The Climate Protectors is a new group inspired by the Mauna Kea Protectors but focused on reversing the climate crisis. As a tropical island State, Hawaii will be among the first places harmed by the global climate crisis, with more intense storms, loss of protective coral reefs, and rising sea levels. We must do all we can to

reduce our carbon footprint and become at least carbon neutral as soon as possible.

One important way to reduce greenhouse gases relates to emissions of the very potent greenhouse gas methane from the animal agriculture sector. Methane reductions could be achieved by consumers shifting some meals to a plant-rich diet. Another way to reduce methane emissions would be for farmers to adopt more sustainable practices, including by avoiding tight confinement of animals in “factory farming” and concentrated animal feeding operations (CAFOs) and by better manure management.

This bill’s provisions to reduce animal cruelty in farming thus could also facilitate reductions in greenhouse gas emissions. Please pass this bill. Mahalo!



HAWAI'I  
CENTER FOR  
FOOD SAFETY

**Senate Committee on Judiciary  
Hawai'i Center for Food Safety supports SB3153 SD1**

Aloha Chair Rhoads, Vice Chair Keohokalole and members of the committee,

My name is Lauryn Rego and I am the Director for the Hawai'i Center for Food Safety (CFS). CFS is a nationwide public interest, sustainable agriculture nonprofit organization whose missions include the promotion of agricultural production methods that are beneficial to the ecosystem. We have over 950,000 farmer and consumer members across the country, including nearly 14,000 in Hawai'i. On behalf of CFS and our members, I thank you for the opportunity to submit testimony today regarding this important bill.

CFS has been dedicated to addressing the human health and environmental impacts of our increased reliance on pesticide use in food production, both in the State of Hawai'i and nationally. We were instrumental in providing legal and communications support in the passage of numerous ordinances relating to pesticide use and disclosure, including Act 45 (Session Laws of Hawai'i 2018), concerning uses of restricted use pesticides (RUPs) by agricultural users in the State of Hawai'i.

I am writing in support of SB3153 SD1, which requires cage-free housing for veal calves, mother pigs, and egg-laying hens. CFS applauds the bill's efforts to ensure humane treatment of farm animals. Currently, much of the pork sold in Hawai'i is sourced from factory farms from the mainland that keep sows in "gestation crates" for most of their lives. These cages are coffin-like, preventing the pigs from turning around or taking more than one step forward or backward. Much of the veal sold in Hawai'i also comes from calves on the mainland kept in similarly restrictive crates. SB3153 SD1 would forbid the sale of pork and veal from animals kept in these cruel conditions. Additionally, the bill would mandate that eggs produced and/or sold in Hawai'i come from cage-free chickens. Chickens in factory farms are often kept in "battery cages," which prevent them from flapping their wings and walking.

SB3153 SD1 takes a strong stance against farm animal cruelty, and it reflects a massive demand from consumers and the food industry. Over 200 major restaurant chains, including McDonald's and Foodland, have announced plans to go cage-free. The bill supports the market's shift by providing regulatory certainty and a realistic timeline for compliance.

**NATIONAL HEADQUARTERS**

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[centerforfoodsafety.org](http://centerforfoodsafety.org)

Moreover, sourcing cage-free produces lowers the risk of Salmonella and other food-borne illnesses, making Hawai'i a safer, healthier place for animals and our families. **The people of Hawai'i deserve safe, humane food, and SB3153 SD1 is a strong step in that direction.**

Thank you for considering my testimony.

Respectfully,

A handwritten signature in black ink, appearing to read 'Lauryn Rego', written on a light gray rectangular background.

Lauryn Rego

Director, Hawai'i Center for Food Safety



**Date:** Thursday, February 27, 2020

**Time & Location:** 10:30am in Conference Room 016

**To:** Chair Karl Rhoads

Vice Chair Jarrett Keohokalole

Members of the Senate Committee on Judiciary

**Submitted by:** Jennifer Molidor, Ph.D., Senior Food Campaigner, Center for Biological Diversity, (707) 888-9261.

**RE:** Testimony in strong support of HB 2569: Relating to Animal Cruelty

Dear Representatives,

Thank you for considering the testimony of the Center for Biological Diversity in support of HB 2569.

It is well-documented that industrial animal agriculture is one of the leading causes of climate change, air and water pollution, habitat degradation, and other top environmental problems. One of the most environmentally harmful practices of industrial agriculture is the use of extreme confinement, specifically keeping pigs in gestation crates, calves in veal crates, and hens in battery cages. I have **attached a factsheet** detailing why these devices should be banned in order to create a more sustainable agricultural system.

In short, facilities that cram large numbers of animals into exceedingly small spaces produce enormous quantities of concentrated animal waste. Much of the waste is contaminated with antibiotic residue, heavy metals and other pollutants. These facilities typically produce far more waste than can be sustainably applied to nearby cropland. Instead, much of the waste is allowed to sit stagnant in lagoon pits, often emitting noxious gases into the air or leaching into groundwater and nearby waterways.

We know that most farmers care deeply about the environment, animal welfare and public safety. But the race-to-the-bottom spurred by corporate agribusiness over the past several decades has forced many of these farmers to adopt systems that run counter to these values. It is up to lawmakers to set modest, baseline standards—similar to what has already been done in many states—for all producers if we're going to create a sustainable agriculture system. That's exactly what 2569 will do, and we respectfully encourage you to vote yes.

Thank you again for your consideration of this important legislation.

Jennifer Molidor, Ph.D.

(encl.)

# Environmental Impacts of Extreme Animal Confinement

**A**nimal agriculture has changed dramatically in recent decades. From the practice of concentrated animal confinement on factory farms to the massive land use required to produce feed crops for livestock and the pollution inherent in poorly regulated waste management and slaughterhouses, the current U.S. food system is unsustainable and a leading contributor to environmental degradation.

Most of the 9 billion farmed animals in the United States are confined in concentrated animal feeding operations (CAFOs), which churn out meat, poultry, egg and dairy products at an unmanageable rate. The most extreme confinement practices — battery cages, gestation crates and veal crates — have been outlawed in a dozen states. Yet they largely continue as standard practices and are linked with poor animal welfare, risks to food and worker safety, air and water pollution, greenhouse gas emissions and threats to endangered species.

## The Rise of Concentrated Animal Feeding Operations (CAFOs)

Since the 1950s U.S. meat and dairy production has more than doubled, while the number of operations has decreased by 80 percent.<sup>1</sup> As a result greenhouse gas emissions from the agricultural sector have rapidly increased, with carbon dioxide emissions increasing by 16.2 percent, methane emissions by 14.4 percent and nitrous oxide by 7.3 percent in the past 30 years.<sup>2</sup> Methane and nitrous oxide have as much as 36 and 298 times greater global warming potential, respectively, of CO<sub>2</sub> over a 100-year period.<sup>3</sup>

The most common environmental threats from these facilities include:

- Contamination of air, water, and land from nutrients, pathogens, heavy metals, pharmaceuticals, and ammonia;
- Overconsumption of groundwater resources;
- Harm to endangered or threatened species and habitats;
- Release of greenhouse gas emissions.<sup>4</sup>

Along with the rise of CAFOs, emissions related to manure management have increased by 66 percent since 1990.<sup>5</sup> Factory farms produced an estimated 13 times as much waste as the entire U.S. population in 2012.<sup>6</sup> Unlike human waste, livestock waste is typically untreated and poorly managed.

The EPA estimates that pollution from CAFOs impairs 40 percent of rivers and streams in the United States.<sup>7</sup>

### Pigs and Gestation Crates

- With more than 70 million pigs populating the United States, and 5.36 million breeding sows, factory farms have implemented the practices of extreme confinement of mother pigs in gestation crates. These tight stalls prevent sows from turning around and contain no bedding, just slatted flooring for waste disposal.
- In 2014, 93 percent of annual hog production was on operations with at least 5,000 head (compared to 27 percent in 1994).<sup>8</sup> This shift toward more concentrated facilities has resulted in increases in water and air contamination and environmental impairment.<sup>9</sup>
- The increased concentration of hogs and breeding sows creates huge cesspools of waste that are currently disposed of by spraying onto surrounding lands. The massive amounts of waste generated in limited geographic areas leads to intensive air and water pollution and related health risks to surrounding communities and wildlife.
- For example, in Iowa, more than 10 billion gallons of liquid manure are applied to fields per year from the state's more than 6,300 hog operations.<sup>10</sup> State records show 800 manure spills between 1996 and 2012, and 750 out of 1,378 tested waterways were found to be impaired.<sup>11</sup>

### Chickens and Battery Cages

- Most chickens spend their entire lives stocked in "battery cages," in such high densities that they cannot exert their natural behaviors of nesting, roosting or even flapping their wings. Many chickens will die from disease and stress related to overcrowded conditions. However, the concentration of factory farming continues to encourage the use of these facilities.
- The production of poultry has shifted over recent decades toward more concentrated facilities.<sup>12</sup> The production of eggs has seen a related boom: Since 2011 top states have produced an additional 11.2 billion eggs in CAFO operations, including California, Ohio, Indiana, Missouri, Michigan, North Carolina and Texas.<sup>13</sup> The number of egg-laying hens increased by nearly 25 percent between 1997 and 2012, and the size of egg operations has grown by nearly 75 percent since 1997.<sup>14</sup>
- Battery cage facilities produce high levels of air contamination from ammonia and hydrogen sulfide as well as volatile organic compounds and dust originating from chicken feathers, bedding and chicken manure. Pollutants spread from the chicken cages and fields to waterways, critical habitat areas, and local community houses, churches and schools.
- In addition to large amounts of pesticide and pharmaceutical residues, bacteria, viruses, pathogens, parasites, protozoa, heavy metals and other trace elements,<sup>15</sup> poultry waste is particularly high in toxic nutrients, and yet is usually untreated, and stored and land-applied.<sup>16,17</sup> Over 90 percent of poultry waste is disposed of through land applications.<sup>18</sup> Erosion, non-agronomic waste applications, and rain can cause it to reach surface and groundwaters.<sup>19</sup>
- Release of these pollutants may result from intentional discharge, operation, maintenance, management and/or operation design problems.<sup>20</sup> Waste-management systems can have spills, leaks, accidental discharges and reach surface water and/or groundwater.<sup>21</sup>



- The EPA has noted that rain falling on dry poultry manure left outside uncovered will likely transport pollutants into nearby soil, causing groundwater pollution and contaminating surface waters.<sup>22</sup>

### **Calves and Veal Crates**

- Calves are removed from their mothers to prevent suckling and chained in crates — 22 inches by 54 inches — without the ability to move or turn around. Preventing the animals from moving keeps their muscles anemic, and the calves are fed formula instead of mother's milk.
- Calf waste is distributed either through deep pit storage or flush. The floor of the crate is composed of slats directly above a storage pit or flush alley. This flooring does not adequately allow feces and urine to pass through, and animals end up standing and sleeping in their own feces, leading to the contraction of parasites, a virus or harmful bacteria. Diarrhea from dehydration is common and sometimes fatal.<sup>23</sup>
- The majority of veal operations use large volumes of water to flush manure from storage pits to lagoons. The remaining operations store manure in a large pit beneath the shed, which uses less water but results in a higher concentration of nutrients.
- Calves are slaughtered between 4 to 5 months of age. But calves younger than 4 months are not included in greenhouse gas emission estimates, so the climate impact of veal production is unaccounted for.<sup>24</sup>

### **Lack of Environmental Protection**

Despite 40 years of Clean Water Act implementation, the EPA still lacks data about where the nation's CAFOs are located and which facilities discharge pollutants into waterways without required permits.<sup>25</sup>

The EPA states 40 percent of CAFOs are regulated under National Pollutant Discharge Elimination Systems (NPDES) while 75 percent discharge as a result of "standard operational profiles."<sup>26</sup>

Despite major gaps in information and regulation, the EPA abandoned its only effort in decades to fill these gaps by developing a national inventory, under CAFO industry pressure.<sup>27</sup> This failure by EPA to develop or maintain a CAFO inventory has meant that states must identify CAFOs and determine which are subject to regulation with little guidance or oversight from EPA.

The lack of federal oversight leaves communities bearing the burden of the environmental impacts of industrial livestock production. Lawmakers can take steps to protect air, water and wildlife by banning the most extreme forms of confinement and working to close regulatory loopholes at the state and federal levels.

## **References**

<sup>1</sup> APHIS, USDA. Overview of U.S. Livestock, Poultry and Aquaculture Production in 2015. [https://www.aphis.usda.gov/animal\\_health/nahms/downloads/Demographics2015.pdf](https://www.aphis.usda.gov/animal_health/nahms/downloads/Demographics2015.pdf) <sup>2</sup> EPA, Draft Inventory of U.S. Greenhouse Gas Emissions and Sinks 1990-2017.

<https://www.epa.gov/ghgemissions/draft-inventory-usgreenhouse-gas-emissions-and-sinks-1990-2017> <sup>3</sup> EPA, Understanding Global Warming Potentials. <https://www.epa.gov/ghgemissions/understanding-global-warming-potentials>.

Accessed 4/3/2019. <sup>4</sup> EPA Literature Review, at 1-3. <sup>5</sup> EPA, Draft Inventory of U.S. Greenhouse Gas Emissions and Sinks 1990-2017. <https://www.epa.gov/ghgemissions/draft-inventory-us-greenhouse-gas-emissions-and-sinks-1990-2017>

<sup>6</sup> EPA, National Pollutant Discharge Elimination System (NPDES) Concentrated Animal Feeding Operation (CAFO) Reporting Rule, Proposed Rule, 76 Fed. Reg. 65431, 65433 (Oct. 21, 2011); Food & Water Watch, *Factory Farm Nation 2015 Edition* 3 (2015), [http://](http://www.foodandwaterwatch.org/sites/default/files/factory-farm-nation-report-may-2015.pdf)

[www.foodandwaterwatch.org/sites/default/files/factory-farm-nation-report-may-2015.pdf](http://www.foodandwaterwatch.org/sites/default/files/factory-farm-nation-report-may-2015.pdf). <sup>7</sup> EPA, 2000 National Water Quality Inventory Report to Congress.

<https://www.epa.gov/waterdata/national-water-quality-inventoryreport-congress>

<sup>8</sup> Overview of the United States Hog Industry, released October 29, 2015 by the National Agricultural Statistics Service (NASS), Agricultural Statistics Board, USDA

<http://usda.mannlib.cornell.edu/usda/current/hogview/hogview-10-29-2015.pdf>. <sup>9</sup> Pew

Commission on Industrial Farm Animal Production, “Putting Meat on the Table: Industrial Farm

Animal Production in America” (2008), [http://www.pcifapia.org/\\_images/PCIFAPFin.pdf](http://www.pcifapia.org/_images/PCIFAPFin.pdf). <sup>10</sup> Brian

Bienkowski, “My number one concern is water,” Environmental Health News (Nov. 14, 2017),

<http://www.ehn.org/waterpollution-hog-farming-2504466831.html>.

<sup>11</sup> *Id.* <sup>12</sup> See generally Pew Charitable Trusts, *The Business of Broilers* (2013), available at

<http://www.pewtrusts.org/~media/legacy/>

[uploadedfiles/peg/publications/report/businessofbroilersreportthepewcharitabletrustspdf.pdf](http://www.pewtrusts.org/~media/legacy/uploadedfiles/peg/publications/report/businessofbroilersreportthepewcharitabletrustspdf.pdf) [hereinafter *The Business of Broilers*];

U.S. Environmental Protection Agency (EPA), Literature Review of Livestock and Poultry Manure,

EPA 820-R-13-002, 1 (July 2013). <sup>13</sup> USDA, National Agricultural Statistics Service. 2018.

<https://quickstats.nass.usda.gov/> <sup>14</sup> Food and Water Watch. *Factory Farm Nation: 2015 Edition*.

<https://www.foodandwaterwatch.org/insight/factory-farm-nation-2015edition>

<sup>15</sup> **Exhibit 7** - EPA, Detecting and Mitigating the Environmental Impacts of Fecal Pathogens Originating from Confined Animal Feeding operations: Review, EPA/600/R-06/021, 1-3 (Sept.

2005) (citations omitted); see also **Exhibit 4** - 68 Fed. Reg. at 7235-36. <sup>16</sup> **Exhibit 47** - J.A. Stingone &

S. Wing, *Poultry litter incineration as a source of energy: reviewing the potential for impacts on environmental health and justice*, 1(1) *New Solutions* 27-47, 33 (2011) (referencing International

Agency for Research on Cancer, *Monographs on the Evaluation of Carcinogenic Risks to Humans: Some Drinking Water Disinfectants and Contaminants, Including Arsenic* (2004); **Exhibit 48** - M.

Vahter, *Health effects of early life exposure to arsenic*, 102 *Basic & Clinical Pharmacology &*

*Toxicology* 204-211 (2008); **Exhibit 49** - C.D. Kozul et al., *Low-dose arsenic compromises the immune response to influenza A infection in vivo*, 117 *Environmental Health Perspectives* 1441-1447

(2009). <sup>17</sup> **Exhibit 4** - EPA 2003 Final Rule at 7235-36. <sup>18</sup> **Exhibit 55** - Pew Commission on Farm

Animal Production, *Antimicrobial Resistance and Human Health* 31 (2008) (citations to USDA

resources omitted.) <sup>19</sup> See, e.g., **Exhibit 8** - NRCS AWMFH Ch. 3 “Agricultural Wastes and Water, Air,

and Animal Resource”; **Exhibit 56** - NRCS Conservation Practice Standard Code 590 “Nutrient

Management” (Jan. 2012). <sup>20</sup> See, e.g., **Exhibit 51 to 54** - NRCS AWMFH Ch. 2 (Planning

Considerations) (**Exhibit 51**); Ch. 7 (Geologic and Groundwater Considerations) (**Exhibit 52**); Ch. 8

(Siting Agricultural Waste Management Systems) (**Exhibit 53**); Ch. 9 (Agricultural Waste

Management Systems) (**Exhibit 54**). <sup>22</sup> *Id.* NRCS AWMFs specifically suggest producers plan for such

considerations.<sup>23</sup> **Exhibit 4** – EPA 2003 Final Rule at 7192; *see also* **Exhibit 8** - AWMFH Ch. 3 (Agricultural Wastes and Water, Air, and Animal Resources) at 3-17 (discussing pathways to pollution); **Exhibit 56** - NRCS AWMFH Ch. 9 (Agricultural Waste Management Systems) at 9-23.

<sup>24</sup>EPA, “Non-water Quality Impact Estimates for Animal Feeding Operations.” (December 2002).

<sup>25</sup>EPA, Draft Inventory of U.S. Greenhouse Gas Emissions and Sinks 1990-2017.

<https://www.epa.gov/ghgemissions/draft-inventory-usgreenhouse-gas-emissions-and-sinks-1990-2017>

<sup>26</sup>Proposed CAFO Reporting Rule, 76 Fed. Reg. at 65436. <sup>27</sup>National Pollutant Discharge Elimination System (NPDES) Concentrated Animal Feeding Operation (CAFO) Reporting Rule, Withdrawal, 77 Fed. Reg. 42679 (Jul. 20, 2012).

**SB-3153-SD-1**

Submitted on: 2/25/2020 10:42:12 AM

Testimony for JDC on 2/27/2020 10:30:00 AM

| <b>Submitted By</b> | <b>Organization</b>                 | <b>Testifier<br/>Position</b> | <b>Present at<br/>Hearing</b> |
|---------------------|-------------------------------------|-------------------------------|-------------------------------|
| Jake Wegehoft       | Testifying for Love of<br>Life Farm | Support                       | No                            |

Comments:

Animal factory farming methods are absolutely cruel and despicable. As a consumer I will never purchase products made with such practices. These practices should be outlawed. Please pass this bill!

**SB-3153-SD-1**

Submitted on: 2/25/2020 11:35:34 AM

Testimony for JDC on 2/27/2020 10:30:00 AM

| Submitted By   | Organization | Testifier Position | Present at Hearing |
|----------------|--------------|--------------------|--------------------|
| Suyin Phillips | Individual   | Support            | No                 |

## Comments:

My family and I urge you to please support SB 3153 because it's cruel and inhumane to confine egg-laying chickens, mother pigs, and calves used for veal inside tiny cages. These animals are living feeling sentient beings just as our pet animals. This issue is very important to our family. Thank you.

**SB-3153-SD-1**

Submitted on: 2/25/2020 11:45:10 AM

Testimony for JDC on 2/27/2020 10:30:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier<br/>Position</b> | <b>Present at<br/>Hearing</b> |
|---------------------|---------------------|-------------------------------|-------------------------------|
| Robert Wintner      | Individual          | Support                       | No                            |

Comments:

Aloha legislators, Please pass SB3153. The world is in terrible shape, and confining animals to smaller cages for any reason makes it worse. Please do the right thing.

# animalEQUALITY

8581 Santa Monica Blvd., Suite 350, Los Angeles, CA 90069

**Hearing Date:** Thursday, February 27, 2020

**Time & Location:** 10:30 a.m. in Conference Room 016

**To:** Chair Karl Rhoads  
Vice Chair Jarrett Keohokalole  
and Members of the Senate Committee on Judiciary

**Submitted by:** Sarah Hanneken, Associate Legal Counsel, Animal Equality, 414-405-1970

**RE:** Testimony in SUPPORT of Senate Bill 3153 (Relating to Animal Cruelty)

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Chair Rhoads, Vice Chair Keohokalole, and Members of the Committee:

**I write on behalf of Animal Equality's Hawaii members to ask for your support of SB 3153.** As a farm animal protection nonprofit, Animal Equality has long worked to improve conditions for animals used in agriculture – precisely the matter at issue in this legislation – and we have extensive scientific and legal expertise on the topic. So, in addition to conveying our members' strong message of support for this legislation, we offer our knowledge and expertise on the subject, as described below.

The introduction of SB 3153 makes Hawaii the latest state to take up the mantle of farm animal welfare – a bipartisan issue that continues to grow in importance across all demographics. What's more, science has established a clear connection between animal welfare and public health, giving the issue an added dimension of significance.

Currently, much of the pork, veal and eggs sold in Hawaii today comes from industrial factory farms that confine calves, mother pigs, and hens in extraordinarily small spaces. These cruel housing practices (and the extreme crowding they enable) are motivated by profit, not animal welfare. Current practices include the use of veal crates, gestation stalls, and battery cages – all forms of housing that result in extreme physical and psychological stress for the animals confined. For example, hens raised in battery cages typically live their entire lives in a space no larger than the surface of an iPad; they are unable to engage in any natural behaviors like flapping their wings, walking, perching, dustbathing, or laying eggs in nest boxes. And, in the pork industry, experts have compared keeping pigs in gestation crates to forcing a human to live her entire life strapped in an airplane seat – with no ability to stretch or turn around. The physical and psychological torment caused by these conditions is obvious to anyone, and many animal behaviorists agree.

If enacted, SB 3153 would implement critical minimum standards for housing these sensitive, emotionally complex animals. Specifically, the bill prohibits the cruel confinement of any calf raised for veal, any breeding pig (sow), and any chicken raised for eggs. “Confine[ment] in a cruel manner” is defined to mean housing a calf raised for veal in an area smaller than 43 square feet of usable floor space (roughly the size of a large mattress); confining a sow in an area smaller than 25 square feet (or about one-half the size of a ping pong table); and confining an egg-laying hen in an area smaller than 1 to 1.5 square feet (depending on housing structure). The bill also contains a sales provision to ensure that veal, pork and eggs sold in Hawaii come from operations that meet these modest standards, no matter where they are produced.

Similar legislation has recently passed in California and Massachusetts, and additional laws protecting egg-laying hens have been enacted in Oregon, Washington, and Michigan. What’s more, hundreds of food companies have pledged to source *only* from producers who adhere to these minimum standards, and that number continues to grow by the day. In short, these standards will soon become the industry norm, and Hawaii is wise to join the growing ranks of states that have legislated in recognition of this trend.

Thank you for considering this testimony, which is submitted on behalf of Animal Equality’s members in Hawaii. **We hope you will vote YES on SB 3153.**

Sarah K. Hanneken, Esq.  
Animal Equality



**SB-3153-SD-1**

Submitted on: 2/25/2020 12:15:17 PM

Testimony for JDC on 2/27/2020 10:30:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Mark K.Wilson III   | Individual          | Support                   | No                        |

Comments:

The longer I've lived, the more aware I've become that animals are closer to us in intelligence and feelings than we often realize. Anyone who has worked closely with animals knows that they have feelings and experience fear, pain, and suffering just as we do. We owe a special debt to animals being raised for our consumption, and they deserve humane treatment. I urge you to support SB 3153.

Respectfully,

Mark Wilson

**SB-3153-SD-1**

Submitted on: 2/25/2020 12:32:57 PM

Testimony for JDC on 2/27/2020 10:30:00 AM

| Submitted By      | Organization | Testifier Position | Present at Hearing |
|-------------------|--------------|--------------------|--------------------|
| Austen Stone, MPH | Individual   | Support            | No                 |

## Comments:

As a thinking human being who shares this world with sentient creatures, it is vitally important to me to treat animals humanely. Creatures need freedom of movement, proper food and water, and humane treatment. Such care benefits the overall ecology and environment. Thank you,

**SB-3153-SD-1**

Submitted on: 2/25/2020 1:46:35 PM

Testimony for JDC on 2/27/2020 10:30:00 AM

| Submitted By   | Organization | Testifier Position | Present at Hearing |
|----------------|--------------|--------------------|--------------------|
| DIANE KAWAMOTO | Individual   | Support            | No                 |

## Comments:

I am writing to help support animals that are in cruel and inhumane situations in order to sustain other lives. I ask to reconsider and protect animals who are confined in tiny cages as well as factory farming. Please support SB 3153 and require Cage Free Standards.

**SB-3153-SD-1**

Submitted on: 2/25/2020 4:20:04 PM

Testimony for JDC on 2/27/2020 10:30:00 AM

| <b>Submitted By</b> | <b>Organization</b>                | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|------------------------------------|---------------------------|---------------------------|
| MICHAEL SENCER      | Testifying for Villa Rose Egg Farm | Support                   | No                        |

## Comments:

I am a representative of the newly being built Villa Rose Egg farm on Ohau on the North Shore. We are building a completely cage-free farm for layers. We think the time you are suggesting for existing farmers to convert is wise and the exclusion for the smaller ones so that you do not put them out of business. We thank you for considering moving to all cage-free.

Sincerely,

Michael I Sencer

**SB-3153-SD-1**

Submitted on: 2/25/2020 4:52:27 PM

Testimony for JDC on 2/27/2020 10:30:00 AM

| Submitted By   | Organization                        | Testifier Position | Present at Hearing |
|----------------|-------------------------------------|--------------------|--------------------|
| Chloe Waterman | Testifying for Friends of the Earth | Support            | No                 |

Comments:

Dear Honorable Representatives,

On behalf of Friends of the Earth and our more than 7,500 supporters in Hawaii, we respectfully ask for your support of SB 3153, which addresses the extreme confinement of farm animals by ensuring cage-free conditions. Not only will this create more humane living conditions for these animals, it will also help facilitate a more sustainable farming system.

Shifting to cage-free systems where animals have more space is a critical step away from the factory farming model that is contributing to the climate crisis, pollution, foodborne illness, unsafe communities and working conditions, and inhumane treatment of animals. Factory farms that confine millions of animals inside windowless warehouses produce a massive amount of waste that pollutes our land, water and air. Communities with factory farms often experience noxious smells, deal with unsafe drinking water, and suffer from respiratory health impacts. Typically, it's lower-income families and communities of color that are harmed the most.

Shifting to cage-free systems has long been favored by organizations supporting family farms, sustainability, and rural communities.

Many states have already passed similar laws; SB 3153 would continue that momentum.

We hope Hawaii will pass SB 3153 into law and further create a safer, more sustainable food system.

Thank you for your consideration of our position.

**SB-3153-SD-1**

Submitted on: 2/26/2020 12:21:41 AM

Testimony for JDC on 2/27/2020 10:30:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| Gerard Silva | Individual   | Oppose             | No                 |

## Comments:

This bill is Stupid. There are many Animals that can not be allowed to run free some of these Animals can cause Much Damage if not locked up for there on Safety and the Public. I am Very Sure that you people who really Have no Idea what you are doing should not be the ones Making these decisions. I have been a Farmer in Hawaii for more than 55 years. You people are just not Qualified to even propose such a thing.

The people of Hawaii are sick and Tired of all the Crap that is coming out of the State House and Senate it is time to Clean HOUSE!!!!

**SB-3153-SD-1**

Submitted on: 2/26/2020 7:44:14 AM

Testimony for JDC on 2/27/2020 10:30:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier<br/>Position</b> | <b>Present at<br/>Hearing</b> |
|---------------------|---------------------|-------------------------------|-------------------------------|
| Renie Lindley       | Individual          | Support                       | No                            |

Comments:

Aloha Senator Rhoads and the members of the Judiciary Committee,

I believe that farm animals have sensibilities and suffer when isolated in cages that are too small. Please support SB3153 to ensure a more humane treatment of the animals which are raised for food. This also will ensure a safer and more sustainable food system.

Personal Testimony Presented before the  
SENATE COMMITTEE ON JUDICIARY

Rm 016 February 27, 2020 10:30 AM

by  
Halina M. Zaleski, Ph.D.

**SB 3153 RELATING TO ANIMAL CRUELTY**

Chair Karl Rhoads, Vice Chair Jarrett Keohokalole, and Members of the Committee:

My name is Halina M. Zaleski and I am a Swine Extension Specialist with the University of Hawai'i at Mānoa's College of Tropical Agriculture and Human Resources (CTAHR). I am pleased to provide personal testimony on SB 3153. This testimony does not represent the position of the University of Hawai'i or CTAHR.

I OPPOSE SB 3153 because it will increase food prices without improving animal welfare. The proposed limitations on production and sales will reduce food availability and drive up costs to consumers. Free range eggs cost \$6.78 per dozen in Times last week, about double the cost of regular eggs. There were no cage-free eggs found in Safeway. I was unable to find pork that was labeled as meeting the requirements in either Times or Safeway.

BS 3153 also creates definitions of cruelty that are in conflict with reviews of the research and evidence-based conclusions developed by the American Veterinary Medical Association (AVMA). Hawaii livestock are no different than mainland livestock, and the AVMA findings are very appropriate for local production. We do not require Hawaii-specific rules.

The 2015 AVMA Task Force Report found that each housing system for gestating sows had both advantages and disadvantages, and none could be shown to be clearly better than the others. In practice, university studies, such as that conducted by Harold Gonyou, Prairie Swine Center, University of Saskatchewan, 2010, have shown that sows, given a choice of going into a gestation stall or an open pen, will spend most of their time in the gestation stalls.

Similarly, the AVMA comparison of cage and non-cage housing for laying hens found that both had advantages and disadvantages, but that hens in non-cage systems were more likely to die from causes ranging from hen hysteria to disease and parasite challenges.

Other definitions contained in this bill are similarly flawed.



Finally, creating state-specific rules in a state that imports most of its food can only result in reduced availability, higher prices, or both for local consumers.

For these reasons, I oppose SB 3153.

Summary of Evidence from AVMA:

American Veterinary Medical Association Issues - A Comparison of Cage and Non-Cage Systems for Housing Laying Hens. 2012

| Indicators                                      | Conventional Cage | Furnished Cage |        |       | Non-cage (Barn) |                 | Outdoor (Free-range) |
|---|-------------------|----------------|--------|-------|-----------------|-----------------|----------------------|
|   |                   | Small          | Medium | Large | Single Level    | Multiple Levels |                      |
| Mortality (%)                                   |                   |                |        | §     |                 |                 |                      |
| Mortality from feather pecking and cannibalism  |                   |                |        |       |                 |                 |                      |
| Bone strength and fractures                     | †                 | *              | *      | *     | ‡               | ‡               | ‡                    |
| Exposure to disease vectors (e.g., wild birds)  |                   |                |        |       |                 |                 |                      |
| Internal parasites (e.g., coccidia, roundworms) |                   |                |        |       |                 |                 |                      |
| External parasites                              |                   |                |        |       |                 |                 |                      |
| Bumblefoot                                      |                   |                |        |       |                 |                 |                      |
| Feather loss                                    |                   |                |        |       |                 |                 |                      |
| Hen hysteria and piling/smothering              |                   |                |        |       |                 |                 |                      |
| Risk of predation                               |                   |                |        |       |                 |                 |                      |
| Level of egg production and cleanliness         |                   |                |        |       |                 |                 |                      |
| Use of nest boxes                               |                   |                |        |       |                 |                 |                      |
| Use of perches                                  |                   |                |        |       |                 |                 |                      |
| Foraging behavior                               |                   |                |        |       |                 |                 |                      |
| Dustbathing behavior                            |                   |                |        |       |                 |                 |                      |
| Air quality (e.g., dust, ammonia)               |                   | ¥              | ¥      | ¥     |                 |                 |                      |

§ = Recent unpublished data indicate lower mortality may be achievable in large furnished cages

† = Reduced bone strength, fractures when birds are caught

\* = bones stronger from perch use but increased incidence of deformation of the keel

‡ = More fractures during lay despite stronger bones

¥ = Variable, depending on whether loose litter is dispensed; litter presents challenges for maintaining air quality

How well welfare measures are met:

|      |        |      |             |
|------|--------|------|-------------|
| Good | Medium | Poor | Insuff Data |
|------|--------|------|-------------|

American Veterinary Medical Association  
Welfare Implications of Gestation Sow Housing (November 11, 2015)

**Visual Summary**

| Indicators                      | Stall                                     | Group Pen       |             | Free Range                      |
|---------------------------------|---|-----------------|-------------|---------------------------------|
| Environmental Noise and ammonia |   |                 |             |                                 |
| Exposure to climate             |   |                 |             |                                 |
| Exposure to predators           |   |                 |             |                                 |
| Exposure to parasites           |   |                 |             |                                 |
| Sow's access to food ration     |   | Non Competitive | Competitive |                                 |
| Productivity                    |   |                 |             |                                 |
| Sow Lameness                    |   |                 |             | If pasture quality is protected |
| Sow Mobility                    |   |                 |             |                                 |
| Injuries                        | Depends on stall width; abrasions, ulcers |                 |             |                                 |
| Sow Behavioral Diversity        |   |                 |             |                                 |
| Foraging Opportunities          |   |                 |             |                                 |
| Inter-Sow Aggression            |   | Non Competitive | Competitive |                                 |

*Non-Competitive= Electronic sow feeder, free-access stall*

*Competitive= trickle feeding, floor feeding, non-gated feeding stalls*

|      |           |                |      |              |
|------|-----------|----------------|------|--------------|
| Good | Some Risk | Increased Risk | Poor | Insuff. Data |
|------|-----------|----------------|------|--------------|



# HAWAIIAN EGG COMPANY

## DBA Mikilua Poultry Farm

February 26, 2020

**Hearing date:** Thursday, February 27, 2020

**Time & Location:** 10:30am in Conference Room 016

**To:** Chair Karl Rhoads  
Vice Chair Jarrett Keohokalole  
Members of the Senate Committee on Judiciary

**Submitted by:** Iris Shimabukuro,  
Hawaiian Egg Company Inc DBA Mikilua Poultry Farm  
808-841-7695

**Re:** Testimony in SUPPORT of SB 3153\_ Egg Laying Hens Sections

Dear Chair Rhoads, Vice Chair Keohokalole, and Members of the Committee:

I'm writing to respectfully ask for your support for SB 3153, with the amendments I am offering.

We are a 72-year-old farm started by my grandfather (a first generation immigrant from Okinawa), my father, and my three uncles. From the start, we have always believed in being good citizens in business and as part of our Hawaii Ohana.

We fully understand that the future of egg production is cage-free. In fact, my family's farm has already converted two of our hen houses to cage-free. As farms like ours continue to convert, having guidelines that are practical and make sense is very important. First, the phase-in time gives us a reasonable amount of time to convert to all cage-free. Second, it has a small-farm exemption that reflects the understanding that there's a difference in scale between them and larger producers.

FYI, last year I testified against a similar bill – HB1281 stating that I agreed with the intent, but the timeline was challenging. This year, my concerns have been addressed. I will support SB3153 (Egg Laying Hens sections) with the amendments offered.

Respectfully,



Iris Shimabukuro  
Vice President

## A BILL FOR AN ACT

RELATING TO ANIMAL CRUELTY.

### BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1       SECTION 1. The legislature finds that-certain methods of  
2 farm animal containment are cruel to animals and threaten human  
3 health and safety by increasing the risk of foodborne illness.

4       The purpose of this Act is to prevent cruelty to farm  
5 animals by phasing out extreme methods of farm animal  
6 confinement and the sale of products produced through extreme  
7 confinement.

8       SECTION 2. The Hawaii Revised Statutes is amended by  
9 adding a new chapter to title 11 to be appropriately designated  
10 and to read as follows:

#### "CHAPTER

#### PREVENTION OF CRUELTY TO FARM ANIMALS

13       §   -A Definitions. As used in this chapter:

14       "Breeding pig" means any female pig of the porcine species,  
15 kept for the purpose of commercial breeding, that is six months  
16 or older, or pregnant.

## S.B. 3153

1 "Business owner or operator" means any person who owns or  
2 controls the operations of a business.

3 "Cage-free housing system" means an indoor or outdoor  
4 controlled environment for egg-laying hens within which hens are  
5 free to roam unrestricted; are provided enrichments that allow  
6 them to exhibit natural behaviors, including scratch areas,  
7 perches, nest boxes, and dust bathing areas; and within which  
8 farm employees can provide care while standing within the hens'  
9 usable floor space. Cage-free housing systems include, to the  
10 extent that they comply with the requirements of this chapter:

- 11 (1) Multi-tiered aviaries;
- 12 (2) Partially-slatted systems;
- 13 (3) Single-level all-litter floor systems; and
- 14 (4) Any other future systems that will comply with the  
15 requirements of this chapter.

16 The term does not include systems commonly described as battery  
17 cages, colony cages, enriched cages, enriched colony cages,  
18 modified cages, convertible cages, or furnished cages.

19 "Calf raised for veal" means any calf of the bovine species  
20 kept for the purpose of producing the food product described as  
21 veal.

**S.B. 3153**

"Confined in a cruel manner" means any of the following

acts:

- (1) Confining a calf raised for veal with less than forty-three square feet of usable floor space per calf;
- (2) Confining a breeding pig with less than twenty-four square feet of usable floor space per pig; or
- (3) Confining an egg laying hen:
  - (A) In an enclosure other than a cage-free housing system; or
  - (B) With less than:
    - (i) One square foot of usable floor space per hen in multi-tiered aviaries, partially-slatted cage-free systems, or any other cage-free system that provides hens with unfettered access to vertical space; or
    - (ii) One and a half square feet of usable floor space per hen in single-level all-litter floor cage-free systems, or any other cage-free system that does not provide hens with unfettered access to vertical space.

## S.B. 3153

1 "Covered animal" means any calf raised for veal, breeding  
2 pig, or egg-laying hen that is kept on a farm.

3 "Department" means the department of agriculture.

4 "Egg-laying hen" means any female domesticated chicken,  
5 turkey, duck, goose, or guinea fowl kept for the purpose of  
6 commercial egg production.

7 "Egg products" means eggs of an egg-laying hen broken from  
8 the shells and intended for human food, whether in liquid,  
9 solid, dried, or frozen form; whether raw or cooked; and with  
10 the yolks and whites in their natural proportions, or with the  
11 yolks and whites separated, mixed, or mixed and strained. The  
12 term does not include combination food products, including  
13 pancake mixes, cake mixes, cookies, pizzas, cookie dough, ice  
14 cream, or similar food products that consist of more than egg  
15 products, sugar, salt, water, seasoning, coloring, flavoring,  
16 preservatives, stabilizers, and similar food additives.

17 "Enclosure" means a structure used to confine a covered  
18 animal or animals.

19 "Farm" means the land, building, support facilities, and  
20 other equipment that are wholly or partially used for the  
21 commercial production of animals or animal products used for





1 food. The term does not include live animal markets,  
2 establishments at which mandatory inspection is provided under  
3 the Federal Meat Inspection Act (21 U.S.C. section 601, et  
4 seq.), or official plants at which mandatory inspection is  
5 maintained under the Federal Egg Products Inspection Act (21  
6 U.S.C. section 1031, et seq.).

7 "Farm owner or operator" means any person who owns or  
8 controls the operations of a farm.

9 "Meat" means the part of the muscle of any animal that is  
10 skeletal or that is found in the tongue, diaphragm, heart, or  
11 esophagus, with or without the accompanying and overlying fat,  
12 and the portions of bone, skin, sinew, nerve, and blood vessels  
13 that normally accompany the muscle tissue and that are not  
14 separated from it in the process of dressing. The term does not  
15 include the muscle found in the lips, snout, or ears.

16 "Multi-tiered aviary" means a cage-free housing system in  
17 which hens have unfettered access to multiple elevated platforms  
18 that provide hens with usable floor space both on top of and  
19 underneath the platforms.

20 "Partially-slatted system" means a cage-free housing system  
21 in which hens have unfettered access to elevated flat platforms



1 under which manure drops through the flooring to a pit or litter  
2 removal belt below.

3 "Person" means any individual, firm, partnership, joint  
4 venture, association, limited liability company, corporation,  
5 estate, trust, receiver, or syndicate.

6 "Pork meat" means meat of a pig of the porcine species that  
7 is intended for use as human food.

8 "Sale" means a commercial sale by a business that sells any  
9 item covered by this chapter, but does not include any sale  
10 undertaken at an establishment at which mandatory inspection is  
11 provided under the Federal Meat Inspection Act (21 U.S.C.  
12 section 601, et seq.), or any sale undertaken at an official  
13 plant at which mandatory inspection is maintained under the  
14 Federal Egg Products Inspection Act (21 U.S.C. section 1031, et  
15 seq.). For purposes of this chapter, a sale shall be deemed to  
16 occur at the location where the buyer takes physical possession  
17 of the item.

18 "Shell egg" means a whole egg of an egg-laying hen in its  
19 shell form that is intended for use as human food.

## S.B. 3153

1 "Single-level all-litter floor system" means a cage-free  
2 housing system bedded with litter, in which hens have limited or  
3 no access to elevated flat platforms.

4 "Uncooked" means requiring cooking prior to human  
5 consumption.

6 "Usable floor space" means the total square footage of  
7 floor space provided to each covered animal, as calculated by  
8 dividing the total square footage of floor space provided to the  
9 animals in an enclosure by the number of animals in that  
10 enclosure. In the case of egg-laying hens, usable floor space  
11 includes both ground space and elevated level or nearly level  
12 flat platforms upon which hens can roost, but does not include  
13 perches or ramps.

14 "Veal meat" means meat of a calf raised for veal that is  
15 intended for use as human food.

16 "Whole pork meat" means any uncooked cut of pork meat,  
17 including bacon, ham, chop, ribs, riblet, loin, shank, leg,  
18 roast, brisket, steak, sirloin, or cutlet, that consists  
19 entirely of pork meat, except for seasoning, curing agents,  
20 coloring, flavoring, preservatives, and similar meat additives.  
21 Whole pork meat does not include combination food products,

## S.B. 3153

1 including soups, sandwiches, pizzas, hot dogs, or similar  
2 processed or prepared food products that consist of more than  
3 pork meat, seasoning, curing agents, coloring, flavoring,  
4 preservatives, and similar meat additives.

5 "Whole veal meat" means any uncooked cut of veal meat,  
6 including chop, ribs, riblet, loin, shank, leg, roast, brisket,  
7 steak, sirloin, or cutlet, that consists entirely of veal meat,  
8 except for seasoning, curing agents, coloring, flavoring,  
9 preservatives, and similar meat additives. Whole veal meat does  
10 not include combination food products, including soups,  
11 sandwiches, pizzas, hot dogs, or similar processed or prepared  
12 food products that consist of more than veal meat, seasoning,  
13 curing agents, coloring, flavoring, preservatives, and similar  
14 meat additives.

15 § -B Prohibitions. (a) Notwithstanding any other  
16 provision of law to the contrary, beginning ~~January 1, 2021~~December  
17 31, 2025, it  
18 shall be unlawful for a farm owner or operator within the State  
19 to knowingly cause any covered animal to be confined in a cruel  
20 manner.

20 (b) Notwithstanding any other provision of law to the  
21 contrary, beginning ~~January 1, 2021~~December 31, 2025, it shall be  
unlawful for a

## S.B. 3153

1 business owner or operator to knowingly engage in the sale in  
2 the State of any:

3 (1) Shell egg that the business owner or operator knows or  
4 should know is the product of a covered animal that  
5 was confined in a cruel manner;

6 (2) Egg products that the business owner or operator knows  
7 or should know are the product of a covered animal  
8 that was confined in a cruel manner;

9 (3) Whole veal meat that the business owner or operator  
10 knows or should know is the meat of a covered animal  
11 that was confined in a cruel manner; or

12 (4) Whole pork meat that the business owner or operator  
13 knows or should know is the meat of a covered animal  
14 that was confined in a cruel manner, or is the meat of  
15 the immediate offspring of a covered animal that was  
16 confined in a cruel manner.

17 § **-C Exceptions.** Section -B(a) shall not apply  
18 during:

19 (1) Medical research;

20 (2) Examination, testing, or individual treatment or  
21 operation for veterinary purposes, but only if

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## S.B. 3153

performed by or under the direct supervision of a  
licensed veterinarian;

(3) Transportation;

(4) State or county fair exhibitions, 4-H programs, and  
similar exhibitions;

(5) Slaughter in accordance with any applicable laws,  
rules, and regulations;

(6) The five-day period prior to a breeding pig's expected  
date of giving birth, and any day that the breeding  
pig is nursing piglets; or

(7) Temporary periods for animal husbandry purposes  
lasting no longer than six hours in any twenty-four-  
hour period, and no more than twenty-four hours total

14 in any thirty-day period.

§ -D Applicability. This chapter shall not prohibit a farm  
owner or operator from maintaining a flock of ten thousand or fewer caged egg-  
laying hens, or selling shell eggs or egg products from such a flock, provided  
that:

(a) The farm owner or operator does not knowingly cause any  
egg-laying hen to be confined with less than one square  
foot of usable floor space per hen, unless such  
confinement falls under one of the categories described  
in § -B(c); and

=====

(b) Any egg-laying hen added to the farm owner or operator's flock after December 31, 2025 is not confined in a cruel manner.

~~1415~~ § ~~-DE~~ **Penalties.** (a) Any person who violates any  
~~1516~~ provision of this chapter ~~shall be guilty of a misdemeanor, and~~  
~~1617~~ shall be subject to a civil fine in an amount not less than \$500 or  
more than \$1,000 ~~to exceed \$5,000~~ per  
~~1718~~ violation.  
~~1819~~ (b) In addition to the penalties listed in subsection (a),  
~~1920~~ a violation of section -B(b) shall be considered an unfair

=====

## S.B. 3153

1 method of competition and unfair or deceptive trade practice  
2 under chapter 481A, upon which any person may bring an action.

3       §   ~~EF~~ **Defense.** It shall be a defense to any action to  
4 enforce this chapter that a business owner or operator relied in  
5 good faith upon a written certification by the supplier that the  
6 shell eggs, egg products, whole veal meat, or whole pork meat at  
7 issue were not derived from a covered animal that was confined  
8 in a cruel manner, or from the immediate offspring of a breeding  
9 pig that was confined in a cruel manner.

10       §   ~~FG~~ **Rules.** The department shall adopt rules, pursuant  
11 to chapter 91, necessary for the purposes of this chapter.

12       §   ~~GH~~ **Construction.** The provisions of this chapter shall  
13 be in addition to, and not in lieu of, any other law protecting  
14 animal welfare. This chapter shall not be construed to limit  
15 any other state laws or rules protecting the welfare of animals  
16 or to prevent the counties from adopting and enforcing  
17 ordinances, laws, and rules that are more restrictive than this  
18 chapter. "

19       SECTION 3. If any provision of this Act, or the  
20 application thereof to any person or circumstance, is held  
21 invalid, the invalidity does not affect other provisions or





**S.B. 3153**

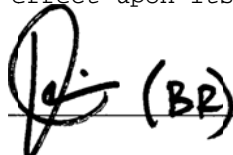
1 applications of the Act that can be given effect without the  
2 invalid provision or application, and to this end the provisions  
3 of this Act are severable.

4 SECTION 4. In codifying the new sections added by section  
5 2 of this Act, the revisor of statutes shall substitute  
6 appropriate section numbers for the letters used in designating  
7 the new sections in this Act.

8 SECTION 5. This Act shall take effect upon its approval.

9

INTRODUCED BY:



=====

# S.B. NO. 3153

**Report Title:**

Farm Animals; Cruel Confinement; Sales

**Description:**

Beginning 1/1/2021, prohibits the confinement of specified farm animals in a cruel manner and prohibits business owners and operators from selling certain products made from those animals.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

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**LATE**

**SB-3153-SD-1**

Submitted on: 2/26/2020 10:35:19 AM

Testimony for JDC on 2/27/2020 10:30:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier<br/>Position</b> | <b>Present at<br/>Hearing</b> |
|---------------------|---------------------|-------------------------------|-------------------------------|
| Rayne               | Individual          | Support                       | No                            |

Comments:

**LATE**

**SB-3153-SD-1**

Submitted on: 2/26/2020 12:30:53 PM

Testimony for JDC on 2/27/2020 10:30:00 AM

| Submitted By      | Organization | Testifier Position | Present at Hearing |
|-------------------|--------------|--------------------|--------------------|
| Victoria Anderson | Individual   | Support            | No                 |

Comments:

SB 3153 represents a good first step in building momentum for the habit of acting with compassion toward our fellow creatures. Baby cows (and their mothers), mother pigs (and their babies), chickens, and other animals who have the ill luck of being labeled by industry as “farmed animals”, nevertheless share with us the capacity to feel both pleasure and pain. In our modern system of factory farming, they suffer very deeply, and are made to endure lives of terrible cruelty and deprivation. This bill shows the first hopeful impulses toward preventing some of that cruelty. Please support as strong and proactive a version of it as possible.

**LATE**

**SB-3153-SD-1**

Submitted on: 2/26/2020 10:45:03 AM

Testimony for JDC on 2/27/2020 10:30:00 AM

| Submitted By | Organization                   | Testifier<br>Position | Present at<br>Hearing |
|--------------|--------------------------------|-----------------------|-----------------------|
| KAYLEN SOUZA | Testifying for ISLAND<br>FARMS | Oppose                | No                    |

Comments:

**LATE**

**SB-3153-SD-1**

Submitted on: 2/26/2020 1:05:04 PM

Testimony for JDC on 2/27/2020 10:30:00 AM

| Submitted By | Organization | Testifier<br>Position | Present at<br>Hearing |
|--------------|--------------|-----------------------|-----------------------|
| Shaynah      | Individual   | Oppose                | No                    |

Comments:

**LATE**

**SB-3153-SD-1**

Submitted on: 2/26/2020 4:30:06 PM

Testimony for JDC on 2/27/2020 10:30:00 AM

| Submitted By  | Organization                            | Testifier<br>Position | Present at<br>Hearing |
|---------------|---|-----------------------|-----------------------|
| Cathy Goeggel | Testifying for Animal<br>Rights Hawai'i | Support               | Yes                   |

Comments:



1050 Bishop St. PMB 235 | Honolulu, HI 96813  
P: 808-533-1292 | e: info@hawaiiifood.com

#### Executive Officers

**Joe Carter**, Coca-Cola Bottling of Hawaii, *Chair*  
**Charlie Gustafson**, Tamura Super Market, *Vice Chair*  
**Eddie Asato**, The Pint Size Corp., *Secretary/Treas.*  
**Lauren Zirbel**, HFIA, *Executive Director*  
**John Schlif**, Rainbow Sales and Marketing, *Advisor*  
**Stan Brown**, Acosta Sales & Marketing, *Advisor*  
**Paul Kosasa**, ABC Stores, *Advisor*  
**Derek Kurisu**, KTA Superstores, *Advisor*  
**Beau Oshiro**, C&S Wholesale Grocers, *Advisor*  
**Toby Taniguchi**, KTA Superstores, *Advisor*

TO:

Committee on Judiciary  
Senator Karl Rhoads, Chair  
Jarrett Keohokalole, Vice Chair

**LATE**

FROM: HAWAII FOOD INDUSTRY ASSOCIATION  
Lauren Zirbel, Executive Director

DATE: February 27, 2020  
TIME: 10:30am  
PLACE: Conference Room 16

RE: SB3153 Relating to Animal Cruelty

Position: Oppose

The Hawaii Food Industry Association is comprised of two hundred member companies representing retailers, suppliers, producers, and distributors of food and beverage related products in the State of Hawaii.

HFIA is in opposition to this measure. This measure would create an entire new category of limitations on Hawaii's food supply. The state has set ambitious goals to increase local food production and measures like this are not the answer. This bill also creates a substantial and unprecedented new responsibility for retailers, which may be impossible for them to effectively manage. Food supply chains are complex, and retailers may not always have the information required by this bill. Retailers may simply not have access to the information required in this bill. It would be difficult to prove that a retailer did not have access to information and the defense language in the measure does not provide adequate protection.

Finally, we have concerns about whether or not the prohibition on the sale of certain products would apply to only local products, or those from the mainland as well. Either interpretation has a range of inherent problems. For these reasons we ask that this measure be held. We believe that the State should look for ways to work with farmers and the Department of Agriculture to ensure the welfare of farm animals in Hawaii, rather than imposing prohibitions on retailers and banning food.



**LATE**

**SB-3153-SD-1**

Submitted on: 2/26/2020 8:40:10 PM

Testimony for JDC on 2/27/2020 10:30:00 AM

| Submitted By         | Organization | Testifier<br>Position | Present at<br>Hearing |
|----------------------|--------------|-----------------------|-----------------------|
| Fern Anuenue Holland | Individual   | Support               | No                    |

Comments:

**LATE**

**SB-3153-SD-1**

Submitted on: 2/26/2020 9:30:38 PM

Testimony for JDC on 2/27/2020 10:30:00 AM

| Submitted By | Organization   | Testifier Position | Present at Hearing |
|--------------|--|--------------------|--------------------|
| Stacy Sugai  | Testifying for SK Natural Farms, LLC (aka 2Lady Farmers) | Comments           | No                 |

Comments:

**SB 3153 RELATING TO ANIMAL CRUELTY**

Chair Karl Rhoads, Vice Chair Jarrett Keohokalole, and Members of the Committee

We appreciate the ammendments that have been made to the original Bill!

One major question is why the confinement restrictions start on 1/1/25 and the sale of products starts on 1/1/21?

We still have some serious concerns about this Bill. Mostly that it will still put Hawaii Pig Farmers out of business. Majority of the pig farmers in Hawaii are older. These new requirements will likely cause them, as well as many others, to close their pig farms by January 1, 2025. To prevent this, we ask that some ammendments are made for pig farmers too. Some suggestions are that - 1)Current pig farms be grandfathered in; 2)Any new pig farm, new pig farm owner, new animal housing/building built after January 1, 2025 adhere to the requirements of this bill.

As it is, pig farmers in Hawaii, cannot compete against mainland prices. That's why you don't see much locally raised pork for sale in our state. It doesn't make sense to impose these requirements on us while imported pork is likely produced by the same methods being outlawed in Hawaii. For these reasons, please make ammendments for pig farmers too.

Thank you for your time and consideration.

Stacy Sugai & Patsy Kaneshiro, SK Natural Farms, LLC

**LATE**

**SB-3153-SD-1**

Submitted on: 2/26/2020 9:30:39 PM

Testimony for JDC on 2/27/2020 10:30:00 AM

| Submitted By   | Organization | Testifier Position | Present at Hearing |
|----------------|--------------|--------------------|--------------------|
| Suzanne Frazer | Individual   | Support            | No                 |

Comments:

No animals should be made to suffer by human beings. This bill needs to go further. There should be no exemptions for farms of certain sizes or number of animals - every farm should operate in a way that doesn't cause the animals to suffer. I support this bill with further amendments that will strengthen the law to end the cruelty to animals.

**LATE**

**SB-3153-SD-1**

Submitted on: 2/27/2020 12:34:21 AM

Testimony for JDC on 2/27/2020 10:30:00 AM

| Submitted By   | Organization | Testifier Position | Present at Hearing |
|----------------|--------------|--------------------|--------------------|
| Glenn shinsato | Individual   | Oppose             | No                 |

Comments:

Sirs

Having been a farmer for over 30 years, I know that it is in the best interest of the farmer to have the animals that they raise to be well cared for,.

Has anyone considered how this bill will affect the cost of food in Hawaii?

Increased space for animals will increase the cost of animal production or reduce the amount of food that will be produced.

What happened to the goal of food security in Hawaii?

**LATE**

**Hearing date:** Thursday, February 27, 2020

**Time & Location:** 10:30am in Conference Room 016

**To:** Chair Karl Rhoads  
Vice Chair Jarrett Keohokalole  
Members of the Senate Committee on Judiciary

**Submitted by:** Brandon Lee, owner of Kaunamano Farm and Napua Restaurant

**Re: Testimony in strong SUPPORT of SB 3153**

Chair Rhoads, Vice Chair Keohokalole, and Members of the Committee:

Mahalo for considering my testimony. I want to thank Senator Kahele for introducing Senate Bill 3153. As a Hawaii hog farmer born and raised in Hilo, I'm writing to express my wholehearted support for SB 3153. I strongly endorse the passage of this measure, which would phase out, over a reasonable timeline, the production or sale of pork coming from pigs confined in cruel and increasingly outdated devices called gestation crates, in addition to phasing out inhumane housing methods for egg-laying hens and veal calves.

Over the past two decades, consumer interest in the welfare of farm animals has surged. Much of the concern focuses on the amount of space animals are afforded, and whether they're free to exhibit basic natural behaviors. At Kaunamano Farm, I'm proud to raise my hogs in a way that meets the growing ethical demands of compassionate Hawaii residents. Unfortunately, much of the pork produced in the U.S. today comes from facilities that force female pigs to spend the majority of their lives in crates so constraining they can't take more than a step forward or backward or turn around for months. SB 3153 would outlaw this unnecessary practice, while giving existing hog operations an achievable timeline to accomplish this goal.

Not only would SB 3153 improve the lives of numerous animals, it would give Hawaii market and regulatory certainty. Across the United States and around the world, governments, consumers, and corporations are demanding crate-free conditions. Already, twelve other states have passed laws prohibiting the most extreme confinement of farm animals.

SB 3153 takes commonsense steps to improve animal welfare and to put Hawaii ahead of a major trend in corporate and consumer preferences. As a long-time hog farmer myself, it has my full support. Thank you so much for your time; I'd be happy to answer any questions.

Mahalo,

Brandon Lee