

Community Farm Alliance

614 Shelby Street • Frankfort, KY • 40601 • 502-223-3655 • 502-223-0804 (fax)
www.communityfarmalliance.org

Friday February 12, 2010

Member of the House Agriculture and Small Business Committee;

Re: Senate Bill 105

As the Community Farm Alliance (CFA) is an organization composed of family-scale farmers **from across the Commonwealth**, we understand that farmers are the best stewards of the land and the most sensitive caretakers of their animals. They understand that demonstrating proper care towards their animals is in their best interest as well as in that of the community in which they live. CFA respects the concern of many farmers in the Commonwealth that animal rights activists with a national focus may attempt to dictate to farmers how to take care of their livestock and poultry and in doing so, placing their entire operation in jeopardy.

CFA believes that Senate Bill 105 (SB 105), could, with some modifications, be a bill that protects farmers from such misguided intrusion. We currently have the following concerns.

- 1) Concern: Section 2: By giving a commission made up of commodity group representatives the authority to promulgate regulations, SB 105 gives lobbyists the ability to regulate Kentucky livestock producers.**
 - a) Solution: Rather than giving the Livestock Care Standards Commission the authority to promulgate regulations, SB 105 should establish an Advisory Board with the ability to research and suggest regulatory changes to the Board of Agriculture, which already exists at KDA.**
 - b) Solution: Charge the Board of Agriculture with the task of satisfactorily defining “neglect” and “cruelty” in order to protect all livestock producers.**
 - c) Solution: Revise structure and leadership of the commission so that the seated members on the commission will vote to elect the vice chair. This vice chair shall be elected by the commission from an organization that represents Kentucky livestock producers.**
 - d) Solution: At least 7 of the appointed seats should be occupied by farmers actively engaged in livestock production in Kentucky. These seats should not be filled by paid organizational staff.**

We specifically object to giving the Livestock Care Standards Commission, as laid out in SB 105, the authority to promulgate regulations. We respectfully ask the Legislature to charge the existing Board of Agriculture with the task of promulgating rules defining “neglect” and “cruelty” with an eye towards livestock and poultry. We ask further that the Livestock Care Standards Commission as composed serve in an *advisory capacity* to the Board of Agriculture throughout the rule-making process.

CFA believes that SB 105 inappropriately delegates regulatory authority to the Livestock Care Standards Commission, which as it stands is to be made up of commodity organization representatives. Regulatory authority belongs to government officials accountable to the public, not to paid lobbyists, especially those who would be empowered to nullify local ordinances.

- 2) The scope of the Commission as written in subsection 4.2 could negatively impact certified organic livestock and poultry producers, and those that sell through direct-marketing outlets**
 - a) Solution: Exempt from the scrutiny of the Commission the management practices (including herd health) of certified organic producers with the recognition that they already abide by strict standards.**

CFA's mission is to organize and encourage cooperation among farmers, rural, and urban citizens, through leadership development and grassroots democratic processes, to ensure an essential, prosperous place for family-scale agriculture in our economies and communities.

Community Farm Alliance

614 Shelby Street • Frankfort, KY • 40601 • 502-223-3655 • 502-223-0804 (fax)
www.communityfarmalliance.org

- b) Solution: Exempt from the scrutiny of the Commission producers who are direct-marketing animal products for sale in Kentucky with the recognition that they already abide by strict standards.**
- c) Solution: Add at least two members to the Commission with background in certified organic livestock and/or poultry production and direct marketing of animal agriculture products in Kentucky. We recommend representatives from Kentucky State University and from the Community Farm Alliance.**
- d) Solution: Subsection 4.2 line (c) should be stricken from the bill, as “safe, affordable, and healthy” are relative and undefined terms.**

CFA believes that the composition of the Commission does not reflect the full spectrum of livestock and poultry producers in the Commonwealth, an increasing number of who raise livestock according to nationally recognized standards for organic production. CFA would like to see language that acknowledges the primacy of organically raised livestock and poultry management practices and those practices will not fall under the purview of the Commission.

Also, as long as the language of the bill could be interpreted to impact small-scale, organic and natural producers, especially those who sell animal products directly to customers, restaurants and retail outlets, we respectfully request the inclusion of one representative to the Commission with a deep understanding of organic livestock and poultry management practices from either the Kentucky Department of Agriculture, Kentucky State University Land Grant Cooperative Extension Program, or from a list of three *family-scale farmers* submitted to the Governor by the Community Farm Alliance.

It is essential that the language of SB 105 be as specific and direct as possible when outlining the scope of the Commission. For this reason, we ask the legislature to strike subsection 4.2 line (c) from the bill. While we cannot dispute the importance of a “safe” and “healthy” food supply for Kentucky consumers, we believe that these considerations exceed the necessary scope of the commission when suggesting standards for livestock care.

3) Concern: Subsection 4.4(a) of SB 105 challenges fiscal courts’ authority over “health and welfare” of citizens.

a) Solution: Add a provision reaffirming the primacy of KRS Chapter 67, the Home Rule Statute

CFA applauds the modifications made to the final paragraph of SB 105 narrowing the statutory language of subsection 4.4 to reflect an acute focus on “on-farm livestock and standards of *care*” as opposed to “production.” CFA understands the necessity for standards of care for livestock and poultry to be uniform across the state. While we are pleased to see the inclusion of subsection 4.2(b), a provision protecting the ability for fiscal courts to adopt planning and zoning ordinances in accordance with KRS Chapter 100, we believe that another similarly worded provision is needed to reaffirm the power of fiscal courts to adopt ordinances addressing the “health and welfare” of its citizens in accordance with the fiscal court’s police powers enumerated under KRS Chapter 67. CFA would like explicit assurance in SB 105 that reaffirms the fiscal court’s authority to protect the “health and welfare” of its citizens pursuant to KRS Chapter 67.

CFA understands the need for standards of care so that farmers can rest assured that they will not be targeted for raising livestock and poultry the way generations of farmers before them have. Everyday farmers confront situations in which they must either castrate a bull, put down a downer cow or hog, or assist a mare in a complicated delivery—scenes quite common to us all who have a background in agriculture, but scenes that may not look very pretty to their “city cousin” if he should happen to drop in that day to visit. And every day, the vast majority of our farmers handle these situations professionally and humanely in order to provide us with a safe and healthy supply of food. Like many others in Kentucky, CFA wants to see our farmers protected from people and organizations that do not quite get the way farmers have to do things in order to feed the country and the world. This is why we support good legislation that will protect Kentucky farmers, and ask that the above recommendations be made in order to improve Senate Bill 105.

CFA’s mission is to organize and encourage cooperation among farmers, rural, and urban citizens, through leadership development and grassroots democratic processes, to ensure an essential, prosperous place for family-scale agriculture in our economies and communities.