

Interested Party Testimony of Joe Logan, Director of Agricultural Programs and Jack Shaner, Deputy Director and Sr. Director of Legislative and Public Affairs

Before the Ohio House Agriculture and Natural Resources Committee  
Honorable John Domenick, Chair; Honorable Allan Sayre, Vice-Chair; and  
Honorable Jeff Wagner, Ranking Minority Member

Re: Ohio House Joint Resolution 2 – Ohio Livestock Care Standards Board  
June 24, 2009 – Ohio Statehouse – Columbus, Ohio

The OEC respectfully submits this Interested Party testimony on H.J.R. 2 (As Introduced) — the proposal to create an Ohio Livestock Care Standards Board.

### **Important topic**

The OEC acknowledges the importance of establishing and implementing standards for the care and well-being of livestock and poultry in Ohio. We also acknowledge that, as proposed by H.J.R. 1, a number of factors should be considered in establishing and implementing such standards, including: agricultural best management practices for such care and well-being, biosecurity, disease prevention, animal morbidity and mortality data, food safety practices, and the protection of local, affordable food supplies for consumers. NOTE: We respectfully suggest that if issues that indirectly are related to the care and well-being of livestock are to be specifically enumerated in this proposal—such as protection of local, affordable food supplies for consumers—so, too, should protection of local and adequate supplies of clean ground and surface water and clean air.

### **Too many questions, too little time to explore**

However, we respectfully suggest that these objectives can and should be accomplished through amending the Ohio Revised Code, not the Ohio Constitution. We also respectfully suggest that too many questions exist with too little time is available for a full and fair hearing to allow adequate exploration and public participation in deliberating this issue.

#### **1. Why amend the Ohio Constitution?**

While the care and well-being of livestock and poultry is worthy of legislation, it simply is not necessary to amend the Ohio Constitution to accomplish this. The same objectives can be accomplished simply by amending the Ohio Revised Code. As with virtually every other amendment to the Ohio Constitution, statutory law and administrative law inevitably will need to be enacted to carry it out the amendment.

2. What are the full implications of amending the Ohio Constitution? Would adoption of the proposed amendment suggest, by implication of its wording, that livestock and poultry have a constitutional right to care and well-being in Ohio?

This question may seem far-fetched, but once something is established in the Ohio Constitution, it is subject to various interpretations over time by various courts. Prudence suggests that care and time should be taken to carefully consider what the implications may be of adopting the proposal as an amendment to the Ohio Constitution. We respectfully ask, Have any constitutional experts passed judgment on this proposal? Has the Ohio Bar Association been consulted? If so, would the Committee produce witnesses and documents from those witnesses and the OBA for transparency and public examination?

3. Why the rush to judgment?

We are surprised with the sudden sense of urgency and immediate need for a measure as profound as a constitutional amendment, when a change in statutory could accomplish the same goal –and even do so more quickly. Even if a Constitutional amendment were necessary to achieve the proposed objectives, we question the haste with which this measure is being considered.

4. Why so little opportunity for public participation?

We respectfully object to single hearings on whole bills—let alone proposed amendments to the Ohio Constitution—for reasons that should be self apparent, including the opportunity for a full and robust debate and a genuine and transparent process by which the public may have a meaningful opportunity to examine, reflect upon, and present testimony and evidence. “One (hearing) and done” is just not appropriate.

5. Why is it necessary to create a new layer of government? Unless the standards that it establishes and implements conflict with another provision of the Ohio Constitution, and because it will have constitutional authority, will the Ohio Livestock Care Standards Board and the standards it establishes and implements be beyond the control of the General Assembly? Why can't the Department of Agriculture establish livestock care standards on its own? What will it cost to implement and enforce whatever standards that are established and implemented by the Board? Will these costs be borne by taxpayers through the General Revenue Fund? By industry through fees? Through some other mechanism?

6. When did this become such an urgent issue for the Ohio Department of Agriculture?

One might think that before the State of Ohio—where agriculture is such a leading industry—and its Department of Agriculture were to consider recommending such an urgent and profound proposal as amending the Ohio Constitution to establish standards for the care and well-being of livestock, the public would have heard statements from the ODA before today or, at least, be able to find a statement about the urgent issue of livestock care and well-being posted prominently on the website of the ODA. Why so little transparency?

## **Conclusion**

The OEC agrees that the care and well-being of Ohio's livestock and poultry is important, but we seriously question the process and the full ramifications of this proposal—especially as it proposes to amend the Ohio Constitution. Thank you for considering our perspective.