

Press Enterprise

New Anti-Cruelty Law Faces Court Challenge

By Jim Miller
Sacramento Bureau

SACRAMENTO - Meat industry groups have challenged a new state law banning the sale or distribution of meat from livestock too ill or weak to stand.

The law, which took effect last week, arose from a nationwide beef recall a year ago after an undercover video showed workers abusing cows at a Chino slaughterhouse.

Supporters of the law, which passed almost unanimously last summer, said federal rules are inadequate. The state measure, they said, would discourage the processing of potentially diseased cows and other animals by making it clear that local authorities could file criminal charges in the matter.

But the law has been targeted in a pair of court filings.

In a federal lawsuit filed late last month in Fresno, the Oakland-based National Meat Association argues that the state's small hog industry should be exempt from the law.

"Hog fatigue" causes hogs to lie down occasionally, but there is nothing wrong with them, association spokesman Jeremy Russell said. Industry leaders worry that workers trying to move the hogs to slaughter could be prosecuted under the law, he said.

An intervening brief in the case by the Washington, D.C.-based American Meat Institute goes much further. It contends that the bulk of the California law should be scrapped because it illegally preempts federal meat-inspection rules.

Federal veterinarians should have the discretion to decide if an animal is truly ill or if it just has a broken ankle or other injury that doesn't affect food safety, institute spokeswoman Janet M. Riley said. The law will lead to a waste of livestock that could provide healthy

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meat products. "This is not a public-health issue," she said.

Riley said the institute knew about the bill, AB 2098, last year but did not take a position on it. The meat association also did not take a position on the bill.

The law's backers criticized the court challenges.

"This is really the most extreme and irresponsible segment of the meat industry that's raising objections here," said Bradley Miller, national director of the Humane Farming Association, the bill's sponsor. "They believe they have the right to process diseased and disabled animals, and they feel the state of California does not have the right to protect the public."

Attorney General Jerry Brown's office will represent the state in the case.

A hearing on the matter is scheduled in Fresno later this month.

The bill was the most significant state legislation to emerge from the videotaped abuse at Chino's Westland/Hallmark Meat Co. Workers were shown using forklifts, high-pressure hoses and other means to force downer cows to slaughter.

Concern that the cows could have been infected with mad-cow disease or other ailments led to the voluntary recall of more than 140 million pounds of beef from national school-lunch programs and other recipients.

The episode also likely contributed to the success of Proposition 2 on the November ballot. The measure, which passed overwhelmingly, requires cage-free egg farming by 2015.

When agribusiness has to resort to lawsuits to stop HFA legislation – you know that we're on the right track! Please help us fight back.