

February 8, 2012

The Vermont Livestock Care Standards Advisory Council (Council) is pleased to provide feedback to the legislature and to the Secretary of Agriculture, at the request of the House and Senate Committees on Agriculture, on S. 107, *Crimes; cruelty to animals; tail docking; horses; bovine*. Specifically, S.107 prohibits anyone other than a licensed veterinarian from performing a tail docking procedure on a horse or bovine, prohibits importation of a horse or bovine with a docked tail, mandates that violators be fined and/or imprisoned, and gives humane agents and law enforcement officials the option of foregoing consultation with the Agency of Agriculture as part of the investigative and enforcement process.

The Council reviewed S.107 at its June 2011 and September 2011 meetings, after having an opportunity to receive comment from Senator Giard and other Vermont citizens. During its September meeting, members of the Council who were present voted to oppose S.107 as written, although the opinion was expressed that more moderate legislation could be useful in cases where market-driven reform does not sufficiently improve animal well-being.

Nonetheless, it is the overall consensus of the Council that criminalizing the act of tail docking or the owners of animals with docked tails is not the best way to effect change within the Vermont dairy industry. Legislating a ban on this practice and on the importation of animals with docked tails, and imposing prison terms or fines on violators, is punitive and inflexible. The criminal investigative process would result in additional burden on an animal welfare enforcement system that is already under financial and legal strain. Also, the proposed prohibition on importation of cattle with docked tails places an additional and unnecessary economic burden on dairy farmers. Finally, this method of effecting change within the industry does not ensure buy-in from the farmers themselves, which is critical to the success of any animal welfare initiative.

Vermont dairy cooperatives, veterinarians and industry organizations have taken many positive steps toward educating producers about the importance of animal well-being. These steps include veterinary-sponsored producer-education meetings, guidance from dairy cooperative field representatives, and the use of comprehensive on-farm audit programs (1, 2) intended to assess livestock well-being and assure that producers are meeting acceptable animal welfare standards. S.107 does not support or make more robust these positive efforts, nor does it recognize the important role that veterinarians and organized industry can and should play in assuring animal well-being.

Tail docking currently is utilized by some Vermont dairy producers as a management tool, and the decision to implement the practice is based on many factors specific to the herd and the farm's facilities. The Council urges the Secretary of Agriculture and the legislative committees on Agriculture to recognize the value of the veterinary-client-patient relationship and support producer education on topics such as pain control, appropriate surgical procedure and appropriate tail length. These practices lend themselves best to being messaged through education and outreach rather than legislation.

---

References:

- 1) National Dairy FARM Program, <http://www.nmpf.org/publications/national-dairy-farm-program>
- 2) New York State Cattle Health Assurance Program, <http://nyschp.vet.cornell.edu/module/welfare/welfare.asp>