



March 10, 2011

To: Commissioner John Auerbach
RE: Testimony of the Massachusetts Farm Bureau Federation regarding Proposed Amendments to DPH Poultry Regulations – 105 CMR Sections 532.200, 532.201, 532.202, 532.203, 532.204, 532.205, 532.206 and 532.300

The Massachusetts Farm Bureau Federation (MFBB) appreciates the opportunity to comment on the proposed changes to these regulations. We would offer the following comments:

510 CMR 532.200 – DPH has proposed to delete this entire section of regulations. We support this provision provided that the deletion in no way erodes the federal exemptions from continuous inspections. Federal rules allow for exemption from continuous inspection where producer processors to slaughter 1,000/20,000 birds annually. We agree that the premises should be inspected by the state or federal authorities to ensure that the facility is sanitary and has the capacity to manage waste. However the state should not require an inspector to be present during slaughter.

The state should have the authority to limit the volume of poultry slaughtered beyond the federal limitations, only when it is determined that the farm cannot handle waste associated with this volume. Guidelines for the handling of poultry slaughter wastes should be developed in conjunction with DEP and DAR. These guidelines should be vetted through a public process.

532.201 – MFBB has no objection to the deletion of this section provided that the state does not restrict exemptions beyond those allowed under federal requirements.

532.203 – MFBB strongly objects to any restriction which would prohibit a farmer from slaughtering an animal for his or her own personal use, or by his or her family or non-paying guests. It is not clear whether the intention of DPH is to restrict this practice, or whether the Department is simply deleting its own requirements in deference to existing federal rules allowing this practice to occur. In either case, we believe this section should remain.

The ability of a farmer to slaughter his own animals for his or her own consumption is not only an important personal freedom, but an economic issue. Many small farms, which predominate in Massachusetts, keep small flocks of hens for egg production. Once a hen is spent, there is no economic reason to continue to feed and care for it. Consumption of the bird by the farmer is the most rational means of utilizing spent hens in small flocks. Requiring the animal to go to slaughter – even custom slaughter - would be cost-prohibitive. The same is true for other livestock as well.

532.204 - MFBB has no objection to the deletion of this section provided that the state does not restrict exemptions beyond those allowed under federal requirements.

532.205 – We would defer to the Jewish and Muslim communities as to whether a need remains for this section. We would hope and expect that DPH would have proactively reached out to leaders in these communities.

532.206 – See comments on 532.203

532.207 – As MFBF believes that 532.203 should remain in place, we believe it prudent to leave 532.207 in place in order to protect public health should individual situations may warrant the removal of this exemption. Further, as it is our belief that the changes proposed by DPH do not remove federal exemptions, we believe that 532.207 should remain in place should the Commissioner determine that individual situations occurring under these federal exemptions pose a significant risk to public health.

532.208 – MFBF believes this section should remain intact, and be expanded to allow DPH to enter inspections of any location where slaughter occurs, including those operating under federal exemptions.

532.09 – MFBF has no position on this section of regulation.

532.300 – MFBF strongly supports allowing Mobile Poultry Processing Units (MPPUs) to operate within the Commonwealth.

MFBF has very grave concerns with DPH leaving all requirements relative the operation of MPPUs to *protocols developed through policy, rather than regulation*.

We recognize that protocols are much more flexible than **regulations** and can be changed more easily, and that there may be advantages in this flexibility to all involved. However the development of protocols is an internal DPH process. It occurs outside of public view and without required public involvement. Too much power is left in the hands of a small number of people who are not required to solicit public input, and who do not benefit from agreed upon method by which to solicit public input. In short, leaving all requirements relative to the operation of MPUs to protocol is contrary to transparency and the democratic process. We strongly recommend that the proposed regulations be amended to contain the basic requirements on how an MPPU should operate, with only relatively minor details left to protocols.

Should DPH decide to move forward with granting itself such broad authority, it is our very strong recommendation that any subsequent protocols which are developed be vetted through a public input process identical to that required for regulations.

532.400 - MFBF has no objection to the deletion of this section provided that the state does not restrict exemptions beyond those allowed under federal requirements.

Thank you for the opportunity to comment.

Contact

Brad Mitchell
508.481.4766
brad@mfbf.net