

STATE OF RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
Rules and Regulations Governing Livestock Welfare

Pursuant to the authority of R.I. Gen. Laws § §42-17.1-2(19) and 42-17.1-4 (3) as amended, and consistent with R.I. Gen. Laws § § 4-26-5 (1) , 4-26-5 (3) and 4-26-3(7) of The Rhode Island Livestock and Welfare Standards Advisory Council Act of 2012, the Director of the Department of Environmental Management (DEM) proposes the adoption of ***Rules and Regulations Governing Livestock Welfare*** in accordance with Chapter 42-35, Administrative Procedures Act , of the Rhode Island General Laws of 1956, as amended and give notice of such proposed rulemaking to afford interested parties the opportunity for public comment.

Public comment will be solicited on the proposed rulemaking that is intended to adopt the subject regulations governing provide minimum standards to govern all licensed or registered animal care facilities.

The public hearing to receive comments concerning the proposed rulemaking will commence at **10:00 a.m. on October 24th, 2016**, in Room 300, which is located at 235 Promenade Street, Providence, RI 02908. The room is accessible to the disabled. Interpreter services for the hearing impaired will be provided if such services are requested at least (3) business days prior to the hearing. Requests for such services may be made in writing or by calling TTY (711) or (401) 222-5300. A recording of the hearing will be made by DEM staff. Written comments concerning the proposed regulations may be submitted to Scott Marshall, State Veterinarian, Division of Agriculture, 235 Promenade Street, Providence, RI 02908 or via e-mail to scott.marshall@dem.ri.gov **no later than 12:00 PM on November 14th, 2016**.

The Department has determined that small businesses will not be adversely impacted by the proposed regulations referenced above. However, the public hearing is being conducted to solicit comment on the proposals and to allow public input from small businesses or any cities or towns, which may believe that that may be adversely affected or to suggest modifications to the proposed rulemaking in order to achieve the proposed goal and cause less adverse impact upon small businesses or any municipality. Attached is the Cost Benefit Analysis completed by the Division of Agriculture.

The proposed regulations will establish minimum housing and care standards for livestock animals that are kept in Rhode Island. The Department seeks to establish minimum care standards for livestock within the state consistent with the recommendation received by the Department from the Rhode Island Livestock and Welfare Standards Advisory Council. These proposed rules and regulations will serve as guidance for animal caretakers as well as a means of enforcement to ensure that livestock species are being properly cared for.

A copy of the proposed regulations will be available for examination from October 12, 2016, through November 14, 2016, by mail or at the offices of the Division of Agriculture located at [235 Promenade Street](#), Providence, RI 02908. Electronic copies of the proposed regulations will also be available on the DEM website at the following web address:

<http://www.dem.ri.gov/programs/bnatres/agricult/pdf/pnlivestock16.pdf>

Janet L. Coit,
Director



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
DIVISION OF AGRICULTURE
235 Promenade Street, Room 370
Providence, Rhode Island 02908

Concise Summary of Adoption of “*Rules and Regulations Governing Livestock Welfare*”

The regulations provide minimum housing and care standards for livestock animals that are kept in Rhode Island. The Department finds that the citizens of the state are generally concerned with the welfare of all animals within the state. The Department also finds that the citizens of the state generally favor the development of an administrative process for the Department to ensure the welfare of the animals within the state. The Department promulgated rules and regulations governing animal care facilities in 2015 to address the welfare of pet type animals being kept in commercial facilities. However, there is a lack of administrative oversight related to the minimum standards of care for livestock; animals that are also kept for commercial purposes. Therefore, the Department seeks to establish minimum care standards for livestock within the state consistent with the recommendation received by the Department from the Rhode Island Livestock and Welfare Standards Advisory Council. These rules and regulations will serve as guidance for animal caretakers as well as a means of enforcement to ensure that livestock species are being properly cared for.

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Pursuant to the requirements of Section 42-35-3 of the Rhode Island General Laws, DEM has made the following determinations:

DEM has considered alternative approaches to the proposed regulations and has determined that there is no alternative approach among the alternatives considered that would be as effective and less burdensome. DEM has extensively studied livestock welfare and care standards in general and has considered the impact of adopting minimum standards on existing livestock producers in the development of these regulations. DEM has determined that the proposed regulations do not overlap/duplicate any other State regulations. DEM has determined that the proposed regulations will not result in a significant adverse economic impact on small businesses or any city or town.

Summary of: Rules and Regulations Governing Animal Care Facilities
RULE 1. PURPOSE
The purpose of this document is to provide minimum standards for the humane treatment and care of livestock with the state of Rhode Island.

RULE 2. AUTHORITY

These rules and regulations are promulgated pursuant to the authority of R.I. Gen. Laws § §42-17.1-2(19) and 42-17.1-4 (3) as amended, and in accordance with the procedures set forth in the *Rhode Island Administrative Procedures Act*, R.I. Gen. Laws Chapter 42-35. These rules and regulations are also promulgated with the advice and consent of the Rhode Island Livestock and Welfare Standards Advisory Council pursuant to R.I. Gen. Laws § § 4-26-5 (1) , 4-26-5 (3) and 4-26-3(7) of *The Rhode Island Livestock and Welfare Standards Advisory Council Act of 2012*.

RULE 3. APPLICABILITY

The terms and provisions of these Rules and Regulations shall be liberally construed to permit the Department to effectuate the purpose of state law, goals, and policies.

RULE 4 SEVERABILITY

If any provision of these Rules and Regulations, or application thereof to any person or circumstances, is held invalid by a court of competent jurisdiction, the validity of the remainder of the Rules and Regulations shall not be affected thereby.

RULE 5. ADMINISTRATIVE FINDINGS

The Department finds that the citizens of the state are generally concerned with the welfare of all animals within the state. The Department also finds that the citizens of the state generally favor the development of an administrative process for the Department to ensure the welfare of the animals within the state. The Department promulgated rules and regulations governing animal care facilities in 2015 to address the welfare of pet type animals being kept in commercial facilities. However, there is a lack of administrative oversight related to the minimum standards of care for livestock; animals that are also kept for commercial purposes. Therefore, the Department seeks to establish minimum care standards for livestock within the state consistent with the recommendation received by the Department from the Rhode Island Livestock and Welfare Standards Advisory Council. These rules and regulations will serve as guidance for animal caretakers as well as a means of enforcement to ensure that livestock species are being properly cared for.

RULE 6. DEFINITIONS

Establishes definitions of terms that are used within the document.

RULE 7. GENERAL REQUIREMENTS:

Establishes general requirements for the care and welfare of all types of livestock as well as specific types of livestock listed elsewhere in the document.

RULE 8. SPECIFIC REQUIREMENTS:

Establishes specific minimum requirements for the care of various types of livestock, including: disabled livestock, bovine-veal, bovine-dairy, bovine-beef, swine, poultry-layers, poultry-broilers, poultry-breeders, ovine, caprine, camelid, and equine.

RULE 9. VIOLATIONS

Establishes the penalty for violations and the process for adjudication of alleged violations.

RULE 10. ENFORCEMENT

Establishes which agencies have the authority to conduct inspections and enforce the provisions of these rules and regulations.

RULE 11. EFFECTIVE DATE

Establishes the date that these proposed rules and regulations become effective.

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

DIVISION OF AGRICULTURE

**RULES AND REGULATIONS GOVERNING LIVESTOCK
WELFARE**



Effective TBD 2016
ERLID # _____

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RULE 6. DEFINITIONS

Wherever used in these Rules and Regulations the following terms should be construed as follows:

1. “Ambulatory Disabled” means livestock capable of walking but with a physical impairment that severely limits or threatens their ability to walk.
2. “Body Condition” means the range from emaciated to obese and is useful to assess the adequacy of the nutritional program and health status of an animal by evaluating the animal’s body fat and/or muscle mass in relationship to its skeletal dimension and its stage of production.

3. “Breeding/Gestation Stall” means any configuration in which a mature porcine animal is continuously housed, that does not allow it to turn around and freely enter or exit. This term does not apply to farrowing crates or stalls.
4. “Breeders” means livestock raised to perpetuate progeny.
5. “Broilers” means chickens raised for meat.
6. “Cage-free Housing System” means a housing system where the egg laying hens are not exclusively housed in a cage. This includes, but is not limited to free-range pasture, aviaries, fixed houses, portable houses, pasture pens, and integrated systems.
7. “Cage Housing Systems” means one of the following egg laying hen housing systems:
 - a. “Conventional battery cage system” means a housing system in an enclosed or open-sided building where the layer is maintained in a cage, and which meets the conditions set forth in paragraph Rule 8.06 (c)(vi.) of this document; and,
 - b. “Enriched cage system” means a housing system that provides features in addition to feed and water, such as areas for nesting, scratching, perching and/or dust bathing.
8. “Conditioning” means the trimming of the beak or the partial/complete removal of the snood, comb, toe nail, and dewclaw for the purpose of prevention of injury during the growth or maturity of poultry.
9. “Conditioning fighting teeth” means the partial/complete removal of the fighting teeth of camelids above the gum line for the purpose of preventing injury.
10. “Distress” means the condition that occurs when livestock are injured, sick, or in pain.
11. “Equine” means horses, ponies, mules and donkeys
12. “Euthanasia” means the causing of humane death, through the rapid loss of consciousness followed by cardiac and respiratory arrest and the ultimate loss of brain function.
13. “Existing Facility” means all buildings or structures that currently house livestock utilizing any housing system as of the effective date of the standards.
14. “Extralabel Drug Use” (ELDU) means the use of an approved drug in a manner that is not in accordance with the approved labeling, yet meets the conditions set forth by the Animal Medicinal Drug Use Clarification Act of 1994 (AMDUCA) and the United States Food and Drug Administration (FDA) and a Valid-Veterinary-Client-Patient-Relationship (VCPR) is required.
15. “Farrowing crate” or “farrowing stall” means an enclosure in which a pregnant porcine animal is placed in the peri-parturient period until the weaning of the piglets.
16. “Fatigued Swine” means swine that have temporarily lost the ability to walk but have a reasonable expectation to recover full locomotion with rest.

17. "Fighting Teeth" means up to three teeth on either side of the mouth (six teeth maximum) which include only the upper incisor (most forward upper tooth) and the upper and lower canine teeth.
18. "Housing" means the physical area or location which is occupied by livestock.
19. "Humane" means the care and handling of livestock that seeks to minimize distress through utilization of the standards established by this document.
20. "Layers or Egg Laying Hens" means female chickens, that have reached sexual maturity as demonstrated by egg production;
21. "Livestock" means any bovine, equine, caprine, ovine, camelid, swine, poultry, or other animal that is raised for production of food or fiber, or is used for work, commerce, or exhibition; excluding canines, felines, reptiles, amphibians, fish, rodents, and rabbits, except those rabbits that are raised for food or fiber.
22. "Management" means practices and procedures performed on livestock for the purpose of achieving production goals. Such practices and procedures include, but are not limited to breeding, weaning, sorting, culling, relocating, assessing, administration of vaccines, castration, dehorning, and identification.
23. "Non-Ambulatory Disabled" means livestock that cannot rise from a recumbent position or that cannot walk.
24. "Pain" means an unpleasant physical sensation occurring in varying degrees of severity as consequence of injury, disease or from a medical or management procedure.
25. "Pain Management" means the use of medications by or under the direction of a Rhode Island licensed veterinarian for the mitigation of pain during and following any management procedure that results in pain.
26. "Poultry Flock" means a grouping of more than one poultry animal, which may be raised for egg production, meat, and/or breeders.
27. "Poultry" means turkeys, chickens, ducks, geese, or other fowl, both male and female, including layers, broilers and turkeys.
28. "Pullet" means young female chickens prior to sexual maturity.
29. "Quality Assurance" means steps taken by the responsible party to ensure safe, wholesome and high quality products.
30. "Responsible Party" means a person of legal age who is the owner of the livestock and/or a person who has current responsibility or custody of the livestock.
31. "Restraint" means the use of physical or chemical means that temporarily render an animal unable to freely move, and that are used for the purpose of capture or as an aid in the performance of acceptable management, husbandry, or veterinary procedures.

32. "Slaughter" means the killing of animals for the purpose of consuming the animal as food or animal feed. Slaughter is distinctly different from euthanasia. Slaughter must be conducted in compliance with RI. Gen. Laws 4-17 entitled Humane Slaughter of Livestock, and all applicable federal regulations.
33. "Veal" means a young bovine animal sold for slaughter at or under 750 pounds, and raised for the purpose of veal meat production including:
 - a. "Special fed veal" means calves that are fed a milk-based liquid diet throughout the feeding period;
 - b. "Grain fed veal" means calves that are raised on a feed program beginning with a milk-based liquid diet and may include hay, pasture or other processed feeds; and,
 - c. "Bob veal" means calves that are fed a milk-based liquid diet and generally marketed at less than three weeks old and weighing less than 150 pounds.
34. "Veterinarian/client/patient relationship" means a relationship where all of the following conditions have been met:
 - a. The veterinarian has assumed the responsibility for making medical judgments regarding the health of the animal or animals and the need for medical treatment, and the client has agreed to follow the instructions of the veterinarian.
 - b. The veterinarian has sufficient knowledge of the animal or animals to initiate at least a general or preliminary (e.g. tentative) diagnosis of the medical condition of the animal or animals. This means that the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal or animals, and/or by medically appropriate and timely visits to the premises where the animal or animals are kept.
 - c. The veterinarian is readily available for follow-up in cases of adverse reactions or failure of the regimen of therapy.

RULE 7. GENERAL REQUIREMENTS:

The general requirements for the care and welfare of all types of livestock as well as specific types of livestock as listed below. The general requirements are as follows:

1. Feed and Water. Livestock must receive feed and water of sufficient quantity and quality on a regular basis so as to help ensure maintenance of normal body condition and/or growth.
2. Management.
 - a. Livestock housing, handling facilities and equipment must be designed and maintained so as to minimize bruising and injury.
 - b. When using handling, sorting or other devices to move livestock or for initial diagnostic evaluation, the devices must be used humanely.
 - c. When restraint of livestock is required, it must be minimal in degree and duration, and it must minimize the potential for injury.
 - d. Only hand held battery-operated electric prods of 50 volts or less can be used to facilitate movement of livestock as described in Rule 7.2.b. Electric prods must not be used:
 - i. On poultry;
 - ii. On alpacas, llamas and equine, unless by or under the order of a Rhode Island licensed veterinarian;
 - iii. On calves less than 200 pounds of body weight;
 - iv. On swine less than 35 pounds of body weight;
 - v. In sensitive areas including the eyes, ears, nose, vulva, anus, udder, or testicles; and;

- vi. On non-ambulatory disabled livestock, unless by or under the order of a Rhode Island licensed veterinarian.
 - e. The responsible party shall not maliciously or recklessly throw, drop, or drag livestock. If the animal's position does not permit lifting or another method of movement, dragging an ambulatory disabled or non-ambulatory disabled livestock the minimum distance to allow movement by another method is permitted.
 - f. The responsible party must not pick up and/or carry livestock by the ears and tails or pull legs in positions or directions which would cause distress.
 - g. Livestock Management Procedures must be performed humanely.
3. Euthanasia. Euthanasia of livestock must be performed under the conditions and using the approved methods as described in the most current published version of *AVMA Guidelines for the Euthanasia of Animals*.
 - a. Euthanasia for animals must be performed when the likelihood for recovery is poor and the condition cannot be effectively relieved by best species management and medically appropriate procedures.
 - b. Disposal of animals after confirmation of death must be performed in accordance with all applicable state and municipal codes.
4. Mass Euthanasia or Depopulation. For unusual conditions which require euthanasia of populations, such as wide spread disease eradication and exigent circumstances resulting from natural disasters, the Director of the Department of Environmental Management may authorize methods of euthanasia or depopulation that are not described in the most current published version of *AVMA Guidelines for the Euthanasia of Animals*. Any person seeking to use alternate methods of euthanasia or depopulation must receive prior written approval by the Director of the Department of Environmental Management. The alternate methods must minimize animal pain and suffering to the extent reasonably possible while considering the threat to human health, human safety, and the hazards of failing to promptly euthanize or depopulate affected animals.
5. Health.
 - a. Prescription and extra-label medications must only be obtained and administered to livestock with the advice and involvement of a licensed veterinarian in the context of a valid Veterinary-Client-Patient-Relationship (VCPR).
 - b. When medication is indicated for livestock, label instructions for route of administration, dosage, storage and withdrawal times must be followed.
 - c. All practices and procedures pertaining to health/medical treatment of livestock must be done humanely.
 - d. Livestock must be monitored regularly for evidence of disease, injury, and parasites and corrective measures must be taken when evidence is found.
 - e. The responsible party must be able to, as required by the condition of the animal, separate sick animals from healthy livestock.
 - f. Dead livestock must be properly disposed of in accordance with all local ordinances, state and federal regulations.
6. Transportation.
 - a. The transport driver becomes the responsible party during transit.
 - b. The responsible party makes the final decision in determining the fitness for livestock loading, transport and the load density. The density of a load shall be determined by the need to minimize injury and must allow fallen animals to rise.
 - c. Handling of livestock during loading, unloading and transport must be done humanely.
 - d. Ramps, chutes and other means of conveyance used for transporting livestock must be constructed to provide adequate footing to minimize slips and falls.

- e. Livestock must be able to stand in their natural position without touching the top of the transport conveyance.
- f. During transit, livestock must be suitably protected from adverse weather conditions.
- g. Transporters are required to stop every 28 hours, unload, and provide livestock with food, water and rest for at least five consecutive hours, unless the transportation vehicle allows the livestock to lie down and rest and have access to feed and water.

RULE 8. SPECIFIC REQUIREMENTS:

8.01 DISABLED LIVESTOCK: The following standards apply to disabled and non-ambulatory livestock.

- a. Feed and Water. Ambulatory disabled, non-ambulatory disabled or distressed livestock must have appropriate access to water, and if maintained longer than 24 hours, access to feed.
- b. Management.
 - i. The responsible party for ambulatory disabled, non-ambulatory disabled, or distressed livestock, as required by the condition of the animal must provide appropriate protection from other livestock, predators and adverse weather conditions.
 - ii. Handling and moving of ambulatory disabled, non-ambulatory disabled or distressed livestock must be done in a humane manner.
- c. Health.
 - i. Ambulatory disabled livestock must be:
 1. Monitored for needed treatment and pain management when necessary;
 2. Transported for treatment or sale;
 3. Transported directly to an inspected slaughter plant or a state custom exempt slaughter plant;
 4. Slaughtered on the farm using an acceptable method of euthanasia; or,
 5. Euthanized using an acceptable method of euthanasia.
 - ii. Non-ambulatory disabled livestock must be:
 1. Cared for and provided feed and water;
 2. Provided necessary treatment and pain management when necessary;
 3. Transported for treatment;
 4. Slaughtered on the farm using an acceptable method of euthanasia;
 5. Except for cattle, transported to an inspected slaughter plant or a state custom exempt slaughter plant; or,
 6. Euthanized using an acceptable method of euthanasia if the animal is in distress and the condition is irreversible.
 - iii. If ambulatory disabled, non-ambulatory disabled, or distressed livestock are at a non-terminal market or a collection facility, and there is no option for immediate sale, then one or more of the following actions must be taken:
 1. Fatigued swine may be allowed to rest up to two hours to recover and may receive cooling or other treatments that do not leave any drug residues. Swine that do not recover within two hours are considered non-ambulatory disabled livestock, and must be euthanized.

2. Calves that are unable to rise from a recumbent position and walk because they are tired or cold may be held for treatment. A calf that is unable to rise or has been provided an intervention treatment and is still not able to rise is considered non- ambulatory disabled livestock and must euthanized.
 3. Cattle that become non-ambulatory disabled during transport must be euthanized or provided appropriate veterinary care and pain management.
- iv. The responsible party, excluding third party transporters, must maintain records of treatments, medications and withdrawal times for ambulatory disabled, non-ambulatory disabled and distressed livestock.
 - v. Livestock observed to be emaciated following documented intervention strategies of additional care, additional feed resources, or treatment without observable improvement in body condition must be:
 1. Marketed through appropriate channels;
 2. Transported directly to an inspected slaughter plant or a state custom exempt slaughter plant;
 3. Slaughtered by using an acceptable method of euthanasia; or,
 4. Euthanized using an acceptable method.
 - vi. Transportation. Non-ambulatory disabled livestock must not be loaded for transport to a non-terminal market or a collection facility

8.02 BOVINE-VEAL

- a. Feed and Water.
 - i. All newborn calves must be fed colostrum, or a colostrum replacement, within the first 24 hours of life.
 - ii. Veal calves must receive feed and water of sufficient quantity and quality on a daily basis so as to help ensure growth and maintenance of normal body condition for the breed of animal.
 - iii. Drinking water and water for feed mixtures must be drinkable, fresh, and free from harmful contamination.
 - iv. If not provided ad-libitum access, special fed and bob veal calves must be fed two or more times per day following a regular routine.
 - v. The responsible party must provide assistance for any veal calf unable to feed or drink on its own accord.
 - vi. The responsible party on all farms that house special fed and bob veal calves must have access to hot water for the purpose of sanitation and mixing milk-based liquid diet or milk replacer.
 - vii. The responsible party must provide clean feed storage areas and have adequate storage space for different classes of feed.
 - viii. All liquid mixing equipment must be inspected daily and properly cleaned and maintained.
- b. Management.
 - i. Housing must provide a clean and safe environment that promotes the health, welfare and performance of veal calves at all stages of their lives.
 - ii. Lighting must be adequate to observe all calves during inspection; and if natural light is not available, artificial light must be provided for eight hours in every 24 hour period of sufficient intensity that calves can observe each other.
 - iii. Individual pens for veal calves must be in compliance with RI General Law 4-1.1 and must allow for quality air circulation, permit opportunity for socialization between veal calves, with consideration given to ensuring the calf's health is maintained, allow

- the calves to stand without impediment, provide for normal resting postures, groom, eat, turn around, lie down and rest;
- iv. Group pens for veal must be in compliance with RI General Law 4-1.1.
 - 1. Must allow for quality air circulation, permit opportunity for socialization between veal calves, with consideration given to ensuring the calf's health is maintained, allow the calves to stand without impediment, provide for normal resting postures, groom, eat, turn around, lie down and rest;
 - 2. A maximum of two veal calves in an area of a minimum of 14 square feet per veal calf;
 - 3. Calves of substantially different sizes must be separated from one another; and,
 - 4. Veal calves must be monitored on a daily basis for naval and cross sucking and be provided with intervention, such as movement to individual pens.
 - v. Tethering of veal calves may be used under the following conditions pursuant to RIGL 4-1.1-4:
 - 1. During medical research.
 - 2. Temporary confinement prior to and during examination, testing, individual treatment or operation for veterinary purposes.
 - 3. During transportation.
 - 4. During rodeo exhibitions, state or county fair exhibitions, 4-H programs, and similar exhibitions or educational programs.
 - 5. During temporary confinement for animal husbandry purposes for no more than six (6) hours in any twenty-four (24) hour period unless ordered by a licensed veterinarian.
 - 6. During the humane slaughter of a veal calf in accordance with the provisions of chapter 4-17, and other applicable laws and regulations.
 - 7. To calves being trained to exhibit.
 - 8. To calves being trained to accept routine confinement in dairy and beef housing.

8.03 BOVINE-DAIRY

- a. Feed and Water. All newborn calves must be fed colostrum, or a colostrum replacement within the first 24 hours of life.
- b. Management. The following livestock management procedures are acceptable and, if performed, must be performed in a humane manner.
 - i. Horn removal. Disbudding prior to eruption of the horn is permissible without pain management; for dehorning after eruption, pain management must be used;
 - ii. Castration of cattle that are older than 5 months of age requires pain management;
 - iii. Hoof trimming must occur at intervals to prevent excessive hoof growth, excessive chipping, or lameness.
- iv. Pursuant to RI General Law 4-1-6.1, tail docking is prohibited unless otherwise allowed under RIGL 4-1-6.1(b) and the following :
 - 1. The animal has been adequately anesthetized to minimize the animal's pain and suffering during the treatment or operation.
 - 2. The procedure is performed by a licensed veterinarian.
 - 3. The procedure is done in a way that minimizes the long-term pain and suffering resulting from the procedure.
 - 4. The veterinarian uses suitable instruments.
 - 5. The procedure is done under hygienic conditions.

6. The procedure is considered medically necessary.
- c. All dairy cattle housing must meet the following requirements:
 - i. Must provide a clean and safe environment that promotes the health, welfare and performance of dairy cattle at all stages of their lives;
 - ii. Must provide access to facilities or natural features that provide reasonable protection from adverse weather conditions and predators;
 - iii. Enclosures, including fencing, must be designed and maintained so as to minimize bruising and injury and provide for the safety of humans and other animals; and.
 - iv. Light intensity must be adequate for observation during inspection.
 - d. Maternity/Calf indoor housing must meet the following requirements:
 - i. Maternity areas must be clean, dry, well ventilated and the light intensity adequate for observation;
 - ii. In maternity areas, there must be sufficient space to enable cows to separate themselves from other animals during labor; and,
 - iii. Calves must be housed in a clean, dry area with space to stand, lie down, turn around and be protected from adverse weather.
 - e. Cow/Heifer indoor housing must meet the following requirements:
 - i. Housing must be designed and maintained in a manner which:
 1. Seeks to minimize the effects of adverse weather; and
 2. Provides ventilation to reduce concentrations of ammonia and dust;
 - ii. Have a stocking density that allows for dairy cattle of all ages to easily lie down at the same time in normal resting posture and be able to easily stand back up at all stages of production, and in addition all animals must be able to access feed and water without excessive competition;
 - iii. If free stalls, tie stalls or stanchions are used, they must be designed and maintained so that the length and width provides appropriate space to accommodate the size of the animal's body so that the animal is not forced to lie with her rear quarter contacting the alleyway or gutter;
 - iv. If free stalls, tie stalls or stanchions are used, they must be cleaned regularly and bedding replenished regularly;
 - v. If bedded pack is used, it must be bedded regularly;
 - vi. Feeding, watering areas and alleys must be cleaned on a regular basis so as to be free of continual standing water and excess manure that may compromise the animal's health and safety;
 - vii. Alleys must be designed and maintained so as to minimize the potential for injury and bruising;
 - viii. If tie stalls or stanchions are used, the animals must be provided with the opportunity for exercise, weather permitting; and,
 - ix. If tie stalls or stanchions are used, the animals must have room to stand, lie down, eat, drink, defecate, and urinate comfortably.
 - f. Outdoor housing must meet the following requirements:
 - i. Must seek to minimize prolonged exposure to adverse environmental conditions that compromise the animal's health and safety;
 - ii. If open lots are used, they must be maintained to promote proper drainage away from resting areas and feed and water; and,
 - iii. During prolonged periods of wetness, the responsible party must ensure that cattle have access to feed and water.
 - g. Breeding bull housing must meet the following requirements:
 - i. Must allow bulls to easily stand up, lie down, and adopt a normal resting posture;

- ii. Must have a resting area that provides comfort, dryness and protection from adverse weather;
 - iii. Feeding, watering areas and alleys must be cleaned on a regular basis and be free of continual standing water and excess manure that may compromise the animal's health and safety;
 - iv. Alleys must be designed and maintained so as to minimize the potential for injury and bruising; and,
 - v. Enclosures, including fencing, must be designed and maintained so as to provide for the safety of humans and other animals.
- h. Transportation. Calves with navels that have not dried after birth must not be loaded for transport to a terminal market, non-terminal market or a collection facility.

8.04 BOVINE-BEEF

- a. Feed and Water. All newborn calves must be offered colostrum, or a colostrum replacement within the first 24 hours of life.
- b. Management. The following livestock management procedures are acceptable and, if performed, must be performed in a humane manner.
 - i. For horn removal, disbudding prior to eruption is permissible without pain management; for dehorning after eruption, pain management must be used; and,
 - ii. Castration of cattle that are older than 5 months of age requires pain management;
 - iii. Hoof trimming must occur at intervals to prevent excessive hoof growth, excessive chipping, or lameness.
- c. All housing systems must meet the following requirements:
 - i. Must provide a clean and safe environment that promotes the health, welfare and performance of beef cattle at all stages of their lives;
 - ii. Must provide access to facilities or natural features that provide reasonable protection from adverse weather conditions and predators;
 - iii. Enclosures, including fencing, must be designed and maintained so as to minimize bruising and injury and provide for the safety of humans and other animals;
 - iv. During calving, there must be sufficient space to enable cows to separate themselves from other animals; and,
 - v. Light intensity must be adequate for observation during inspection.
- d. Indoor housing systems must meet the following requirements:
 - i. Have a stocking density that allows for all cattle to easily lie down at the same time in a normal resting posture and be able to easily stand back up at all stages of production, and in addition all animals must be able to access feed and water without excessive competition;
 - ii. Housing must be designed and maintained in a manner which:
 - 1. Seeks to minimize the effects of adverse weather; and;
 - 2. Provides ventilation to reduce concentrations of ammonia and dust;
 - iii. Feeding, watering areas and alleys must be cleaned on a regular basis so as to be free of continual standing water and excess manure that may compromise the animal's health and safety;
 - iv. If bedded pack is used, it must be bedded regularly;
 - v. Alleys must be designed and maintained so as to minimize the potential for injury and bruising; and,

- vi. If tie stalls are used, the animals must be provided with the opportunity for exercise, weather permitting.
- e. Outdoor housing systems must meet the following requirements:
 - i. Must seek to minimize prolonged exposure to adverse environmental conditions that compromise the animal's health and safety;
 - ii. If open lots are used, they must be maintained to promote proper drainage away from resting areas and feed and water; and,
 - iii. During prolonged periods of wetness, the responsible party must ensure that cattle have access to feed and water.

8.05 SWINE

- a. Management. The following livestock management procedures are acceptable and, if performed, must be performed in a humane manner.
 - i. Tusk trimming is an acceptable procedure, and if performed, must be performed in a humane manner taking care to cut the tusks level with the gums without damaging the gums.
 - ii. Castration is an acceptable procedure, and if performed, must be performed at as young an age as is practical. Castration of boars that are older than 14 days of age requires pain management;
 - iii. Tail docking is an acceptable procedure, and if performed, must be performed at as young an age as is practical. Docking the tail of swine that are older than 14 days of age animals requires pain management.
 - iv. Hoof trimming must occur at intervals to prevent excessive hoof growth, excessive chipping, or lameness.
- b. All swine housing systems must:
 - i. Have a stocking density that allows all pigs to easily lie down fully on their side at the same time without having to lie on each other and be able to easily stand back up at all stages of production, and in addition all animals can access feed and water without excessive competition;
 - ii. Be regularly inspected and maintained by the responsible party to verify that all mechanical devices and the water and feed delivery system are in working condition;
 - iii. Permit visual inspection of animals:
 - 1. Light intensity must be adequate for observation during inspection; and,
 - 2. If natural light is not available, artificial light must be provided for at the least the normal period of daylight hours;
- c. Allow sows and boars in stalls or pens to do each of the following:
 - i. Lie down fully on its side in full lateral recumbency without the head having to rest on a raised feeder and have the rear quarters coming in contact with the back of the stall or pen at the same time; and,
 - ii. Stand without the back touching the top of the stall or pen.
- d. Outdoor housing for all stages of production must provide:
 - i. A regular, ample supply of bedding in cold weather;
 - ii. Access to facilities or natural features that provide reasonable protection from adverse weather conditions and predators; and,
 - iii. A method to facilitate thermo-regulation, such as a natural wallow.
- e. Farrowing Sow and Piglet Housing must:
 - i. Be clean, dry and sanitary;
 - ii. Provide effective protection and appropriate thermal environment for the piglets and comfort for the sow; and

- iii. Be designed to maximize neo-natal piglet welfare, and farrowing stalls can be used on all new and existing farms.
- f. All sows farrowing outdoors must be provided with:
 - i. Shade for farrowing in hot weather; and,
 - ii. Shelter from prevailing winds and a regular, ample supply of bedding to minimize frost bite for farrowing in cold weather.
- g. Post weaning indoor housing systems must meet the following conditions:
 - i. In mechanically ventilated facilities, weaned piglets must be housed in clean, dry, well-heated, draft-free facilities
 - ii. Indoor housing systems that have no mechanical heating or ventilation systems must:
 - 1. Adequately protect pigs from direct sunlight and adverse weather conditions;
 - 2. Provide supplemental heat or a regular, ample supply of bedding in cold weather; and,
 - 3. Have water and feed supply systems that function properly and be readily accessible under all weather conditions.
- h. Indoor housing systems for breeding, gestating sows and gilts must meet the following conditions:
 - i. Mixing must be done in a manner which minimizes aggression and the risk of injury;
 - ii. Pens for breeding should have non-slip floors and must be large enough for comfortable movement during breeding activities.
 - iii. Pens may be used for breeding and gestation;
 - iv. Gestation stalls are prohibited pursuant to RI General Law 4-1.1.
- i. In boar housing systems, the unnecessary mixing or the introduction of new animals into established groups must be avoided to minimize aggression and the risk of injury.
- j. Transportation. If transportation of a sow with her suckling litter is necessary, the sow must be segregated from all other animals during transport and the litter must be protected appropriately.

8.06 POULTRY-LAYERS

- a. Feed and Water.
 - i. Water may be withheld based on specific direction, written or verbal, of a licensed veterinarian and only for the period of time specified by the veterinarian; or,
 - ii. Water may be restricted or withheld temporarily by the responsible party in circumstances such as:
 - 1. Preparation for administration of vaccines or medication in the water;
 - 2. Preparation for transportation; or,
 - 3. Specific management practices, according to the farm's operating procedures.
- b. Management.
 - i. The responsible party must catch, lift, and move poultry humanely.
 - ii. Birds may be caught or carried by one or both legs, and are not to be caught, carried or lifted by the head, neck or tail.
 - iii. The following livestock management procedures are acceptable and, if performed, must be performed in a humane manner.
 - 1. Beak conditioning;
 - 2. Toenail conditioning;
 - 3. Dubbing; and;
 - 4. Induced Molting: If induced molting is used, the following conditions must also be met:
 - a. Must use only non-feed withdrawal methods;

- b. Layers must be fed a maintenance ration for non-producing layers;
 - c. The light period must be reduced to no fewer than six hours in closed houses, or to natural day length in open houses, for the duration of the rest period. When the flock is placed back on a layer diet, lights should be returned to the normal layer program; and,
 - d. During molt, flock health, mortality and bird weight must be monitored.
 - 5. Environmental management must be designed to control rodents, non-beneficial insects, and parasite infestation in the birds, as it applies to the flock's housing system.
- c. All poultry housing systems must meet the following requirements:
 - i. Housing must provide a clean and safe environment that promotes the health, welfare and performance of layers at all stages of their lives;
 - ii. Bedding, if provided, must be of a good quality and absorbent;
 - iii. Environmental moisture must be managed, whether birds are housed indoors or outdoors, to promote flock health and welfare;
 - iv. Maximum stocking densities must allow all poultry:
 - 1. To rest at the same time without being forced to rest on top of each other at all stages of production; and,
 - 2. To have access to feed and water without excessive competition that prevents the individual animals from maintaining normal body condition
 - v. Housing must be designed and maintained in a manner which:
 - 1. Seeks to minimize the effects of adverse weather conditions;
 - 2. Seeks to minimize conditions in which the bird cannot effectively thermo-regulate;
 - 3. Provides sufficient ventilation to reduce concentrations of carbon monoxide, ammonia and dust; and,
 - 4. Provides backup systems in working condition, in houses/barns that require mechanized ventilation.
 - 5. Light intensity must be adequate for observation during inspection; and
 - 6. If natural light is not available, artificial light must be provided for rearing and production.
 - vi. Conventional battery cage systems must meet the following requirements:
 - 1. Existing facilities, as defined above, are allowed to continue using existing conventional caging systems until July 1st, 2034 after which time any replacement cages must provide a minimum of 116 square inches per hen. Systems installed after the adoption of these rules and regulations must be such that manure from birds in upper cage levels does not drop directly on birds in lower level cages;
 - 2. The slope of the cage floor must not exceed eight degrees;
 - 3. New farmers who wish to use conventional caging systems must provide 116 square inches per hen;
 - 4. An existing layer/pullet farm, after the adoption of this standard, is not precluded from an expansion using current cage housing systems; and,
 - 5. Conventional battery cages systems may not be installed, after the effective date of the rule, on any farm not defined as an existing facility unless they provide a minimum of 116 square inches per hen;
 - 6. Any housing system on an existing facility may be replaced with the same housing system in the case of a catastrophic event (including but not limited

to fire, flood, wind or building collapse) that requires new construction to replace the existing housing system, however any system that is installed must be in compliance with the minimum area requirement of 116 square inches per hen after July 1st, 2034.

- vii. Enriched cage systems must, at a minimum, comply with Rules 8.06(c)(vi)1 through 8.06(c)(vi)7 of this document.
- viii. Cage-free housing systems must meet the following requirements:
 - 1. Cage-free housing systems installed after the effective date of this rule must provide a minimum of 144 square inches per layer;
 - 2. If perches are provided, they must be positioned to minimize fecal fouling of layers, feeders and waterers below;
 - 3. If multi-tiered perches are used, each tier must allow hens to safely access other vertical tiers, including the floor;
 - 4. If nests are provided, they must be cleaned as necessary to ensure that manure does not accumulate
 - 5. For cage-free systems installed prior to the implementation date of these standards, the responsible party must meet Rules 8.06(c)(vii)1 through 8.06(c)(vii)1 of this document within five years after the effective date of this rule; and,
 - 6. Cage-free layers with access to the outdoors must be provided reasonable protection from adverse weather conditions and predators.
- d. Transportation: The density in poultry conveyances must allow the birds to rest at the same time without being forced to rest on top of each other.

8.07 POULTRY-BROILERS:

- a. Feed and water.
 - i. Water may be withheld based on specific direction, written or verbal, of a licensed veterinarian and only for the period of time specified by the veterinarian; or,
 - ii. Water may be restricted or withheld temporarily by the responsible party in circumstances such as:
 - 1. Preparation for administration of vaccines or medication in the water;
 - 2. Preparation for transportation; or,
 - 3. Specific management practices, according to the farm's operating procedures.
- b. Management.
 - i. The responsible party must catch, lift and move poultry humanely.
 - ii. Birds may be caught or carried by one or both legs, and are not to be caught, carried or lifted by the head, neck or tail.
 - iii. The following livestock management procedures are acceptable and, if performed, must be performed in a humane manner.
 - 1. Beak conditioning;
 - 2. Male back toe conditioning;
 - 3. Dubbing;
 - 4. Caponizing; and,
 - 5. Induced molting, which must also meet all of the following conditions:
 - a. Must use only non-feed withdrawal methods;
 - b. Broiler breeders must be fed a maintenance ration for non-producing breeders;

- c. The light period must be reduced to no fewer than six hours in closed houses, or to natural day length in open houses, for the duration of the rest period. When the flock is placed back on a production diet, lights should be returned to the normal program; and,
 - d. During molt, flock health, mortality and bird weight must be monitored.
 - iv. Environmental management must be designed to control rodents, non-beneficial insects, and parasite infestation in the birds to the degree that the animals' health is not impaired.
- c. Housing for broilers and broiler breeders must meet all of the following conditions:
 - i. Must provide a clean and safe environment that promotes the health, welfare and performance of broilers/broiler breeders at all stages of their lives;
 - ii. Bedding, if provided, must be of a good quality and absorbent;
 - iii. Environmental moisture must be managed, whether birds are housed indoors or outdoors, to promote flock health and welfare;
 - iv. Stocking densities must allow all broilers to rest at the same time without being forced to rest on top of each other at all stages of production and, in addition, all broilers must be able to access feed and water without excessive competition that prevents individuals in the flock from maintaining normal body condition;
 - v. Housing must be designed in a manner which:
 - 1. Seeks to minimize the effects of adverse weather conditions;
 - 2. Seeks to minimize conditions in which the bird cannot effectively thermo-regulate;
 - 3. Provides sufficient ventilation to reduce concentrations of carbon monoxide, ammonia and dust; and,
 - 4. Provides backup systems in working condition, in houses/barns that require mechanized ventilation;
 - 5. Light intensity must be adequate for observation during inspection;
 - 6. If natural light is not available, artificial light must be provided for rearing and production; and,
 - 7. Free-range/pastured broilers must be provided reasonable protection from adverse weather conditions and predators.
 - vi. Broiler Breeders housing must meet the following conditions:
 - 1. If slats are used, the slats must be designed and maintained so as to minimize bruising and injury;
 - 2. Where slats are used, if birds get under the slats they must be removed immediately;
 - 3. Introduction of new broiler breeder males must be done in a manner which seeks to minimize aggression and the risk of injury; and,
 - 4. If nest space is provided, they must be cleaned as necessary to ensure that manure does not accumulate.
- d. Transportation. The density in poultry conveyances must allow the birds to rest at the same time without being forced to rest on top of each other.

8.08 POULTRY BREEDERS:

- a. Feed and water.
 - i. Water may be withheld based on specific direction, written or verbal, of a licensed veterinarian and only for the period of time specified by the veterinarian; or

- ii. Water may be restricted or withheld temporarily by the responsible party in circumstances such as:
 - 1. Preparation for administration of vaccines or medication in the water;
 - 2. Preparation for transportation; or,
 - 3. Specific management procedures, according to the farm's operating procedures.
- b. Management.
 - i. The responsible party must catch, lift and move poultry humanely.
 - ii. Birds may be caught or carried by one or both legs, and are not to be carried or lifted by the head, neck or tail.
 - iii. The following livestock management procedures are acceptable and, if performed, must be performed in a humane manner.
 - 1. Beak conditioning;
 - 2. Toenail conditioning;
 - 3. Dewclaw conditioning;
 - 4. Snood conditioning; and,
 - 5. Induced molting, which must also meet all of the following conditions:
 - a. Must use only non-feed withdrawal methods;
 - b. Turkey breeders must be fed a maintenance ration for non-producing breeders;
 - c. The light period must be reduced to no fewer than six hours in closed houses, or to natural day length in open houses, for the duration of the rest period. When the flock is placed back on a production diet, lights should be returned to the normal program; and,
 - d. During molt, flock health, mortality and bird weight must be monitored;
- c. Environmental management must be designed to control rodents, non-beneficial insects, and parasite infestation in the birds, as it applies to the flock's housing system.
- d. Housing for turkeys and turkey breeders must meet all of the following conditions:
 - i. Must provide a clean and safe environment that promotes the health, welfare and performance of turkeys/turkey breeders at all stages of their lives;
 - ii. Bedding, if provided, must be of a good quality and absorbent;
 - iii. Environmental moisture must be managed, whether birds are housed indoors or outdoors, to promote flock health and welfare; and,
 - iv. Stocking densities must allow all turkeys to rest at the same time without being forced to rest on each other at all stages of production, and in addition all turkeys must be able to access feed and water without excessive competition that prevents individuals in the flock from maintaining normal body condition; and,
 - v. Housing must be designed in a manner which;
 - 1. Seeks to minimize the effects of adverse weather conditions;
 - 2. Seeks to minimize conditions in which the bird cannot effectively thermo-regulate;
 - 3. Provides sufficient ventilation to reduce concentrations of carbon monoxide, ammonia and dust; and,
 - 4. Provides backup systems in working condition, in houses/barns that require mechanized ventilation;
 - vi. Light intensity must be adequate for observation during inspection;
 - vii. If natural light is not available, artificial light must be provided for rearing and production; and;

- viii. Free-range/pastured turkeys must be provided reasonable protection from adverse weather conditions and predators.
- e. Turkey breeder housing must meet the following conditions:
 - i. Introduction of new turkeys must be done in a manner which seeks to minimize aggression and the risk of injury;
 - ii. If nest space is provided, they must be cleaned as necessary to ensure that manure does not accumulate.
- f. Transportation. The density in poultry conveyances must allow the birds to rest at the same time without being forced to rest on top of each other.

8.09 OVINE

- a. Feed and water. All newborn lambs must be offered colostrum, or a colostrum replacement within the first 24 hours of life.
- b. Management. The following livestock management procedures are acceptable and, if performed, must be performed in a humane manner.
 - i. Castration of rams that are older than 14 days of age must use pain management;
 - ii. Tail docking of sheep that are older than 14 days of age must use pain management;
 - iii. Breeds of sheep that do not naturally shed their hair/wool must be shorn regularly; and,
 - iv. The responsible party must seek to minimize the risk of fly strike by utilizing such methods to include, but not limited to, shearing and crutching.
 - v. Dehorning of sheep should not be performed but non-sensitive tissue of larger horns may be trimmed to prevent injury to the animal.
 - vi. Hoof trimming must occur at intervals to prevent excessive hoof growth, excessive chipping, or lameness.
- c. All housing must meet the following requirements:
 - i. Must provide a clean and safe environment that promotes the health, welfare and performance of sheep at all stages of their lives;
 - ii. Must provide access to facilities or natural features that provide reasonable protection from adverse weather conditions and predators;
 - iii. Enclosures, including fencing, must be designed and maintained so as to minimize bruising and injury and provide for the safety of humans and other animals;
 - iv. During lambing there must be sufficient space to enable ewes to separate themselves from other animals; and,
 - v. Light intensity must be adequate for observation during inspection.
- d. Indoor housing systems must meet the following requirements:
 - i. Have a stocking density that allows for all sheep to easily lie down at the same time in a normal resting posture and be able to easily stand back up at all stages of production, and in addition all animals must be able to access feed and water without excessive competition;
 - ii. Housing must be designed and maintained in a manner which:
 - 1. Seeks to minimize the effects of adverse weather; and,
 - 2. Provides ventilation to reduce concentrations of ammonia and dust;
 - iii. Feeding, watering areas and alleys must be cleaned on a regular basis so as to be free of continual standing water and excess manure that may compromise the animal's health and safety;
 - iv. Alleys must be designed and maintained so as to minimize the potential for injury and bruising; and,
- e. Outdoor housing systems must meet the following requirements:

- i. Must seek to minimize prolonged exposure to adverse environmental conditions that compromise the animal's health and safety;
- ii. If open lots are used, they must be maintained to promote proper drainage away from resting areas and feed and water; and,
- iii. During prolonged periods of wetness, the responsible party must ensure that sheep have access to feed and water.

8.10 CAPRINE:

- a. Feed and water. All newborn kids must be offered colostrum, or a colostrum replacement within the first 24 hours of life.
- b. Management. The following livestock management procedures are acceptable and, if performed, must be performed in a humane manner.
 - i. For horn removal, disbudding prior to eruption is permissible without pain management; for dehorning after eruption, pain management must be used, and the dehorning of adult goats must only be performed by a licensed veterinarian; and,
 - ii. Castration of bucks that are older than 14 days of age must use pain management;
 - iii. Breeds of goats that do not naturally shed their hair must be shorn regularly.
- c. All housing systems must meet the following requirements:
 - i. Must provide a clean and safe environment that promotes the health, welfare and performance of goats at all stages of their lives;
 - ii. Must provide access to facilities or natural features that provide reasonable protection from adverse weather conditions and predators;
 - iii. Enclosures, including fencing, must be designed and maintained so as to minimize bruising and injury and provide for the safety of humans and other animals;
 - iv. During kidding there must be sufficient space to enable does to separate themselves from other animals; and,
 - v. Light intensity must be adequate for observation during inspection.
- d. Indoor housing systems must meet the following requirements:
 - i. Have a stocking density that allows for all goats to easily lie down at the same time in a normal resting posture and be able to easily stand back up at all stages of production, and in addition all animals must be able to access feed and water without excessive competition;
 - ii. Feeding, watering areas and alleys must be cleaned on a regular basis so as to be free of continual standing water and excess manure that may compromise the animal's health and safety
 - iii. Alleys must be designed and maintained so as to minimize the potential for injury and bruising; and,
- e. Outdoor housing systems must meet the following requirements:
 - i. Must seek to minimize prolonged exposure to adverse environmental conditions that compromise the animal's health and safety;
 - ii. If open lots are used, they must be maintained to promote proper drainage away from resting areas and feed and water; and,
 - iii. During prolonged periods of wetness, the responsible party must ensure that goats have access to feed and water.
- f. If used, tack and/or harness must fit properly and be well maintained so as to minimize the potential for injuries.

8.11 CAMELID

- a. Feed and water. All newborn crias must be offered colostrum, or a colostrum replacement within the first 24 hours of life.
- b. Management. The following livestock management procedures are acceptable and, if performed, must be performed in a humane manner.
 - i. The responsible party must ensure that castration is performed by a licensed veterinarian.
 - ii. The following livestock management procedures are required and must be performed in a humane manner:
 - 1. Co-mingled adult males must have their fighting teeth conditioned.
 - 2. Toe nail care to maintain a functional condition; and;
 - 3. During hot weather, the responsible party shall seek to minimize heat stress for camelids using methods including, but not limited to: shearing, mechanical ventilation, or other cooling methods.
- c. All housing systems must meet the following requirements:
 - i. Must provide a clean and safe environment that promotes the health, welfare and performance of camelids at all stages of their lives;
 - ii. Camelids must be provided with the opportunity for socialization with a herding animal, which may include but not be limited to: camelids, sheep, goats, or other herding livestock;
 - iii. Have a stocking density that allows for all camelids to easily lie down at the same time in a normal resting posture and be able to easily stand back up at all stages of production, and in addition all animals must be able to access feed and water without excessive competition;
 - iv. Must provide access to facilities or natural features that provide reasonable protection from adverse weather conditions and predators;
 - v. Enclosures, including fencing, must be designed and maintained so as to minimize injury and provide for the safety of humans and other animals; and,
 - vi. Light intensity must be adequate for observation during inspection.
- d. Indoor housing systems must meet the following requirements:
 - i. Seeks to minimize the effects of adverse weather; and;
 - ii. Provides ventilation to reduce concentrations of ammonia and dust; and,
 - iii. When box stalls, pens or other enclosures are used, they must be cleaned regularly;
 - iv. Camelids must be provided with a clean, dry area for lying down; and,
 - v. If an animal is confined in a box stall, pen or other enclosure, the responsible party must provide access for regular exercise unless medically prohibited.
- e. Outdoor housing systems must seek to minimize prolonged exposure to adverse environmental conditions that compromise the animal's health and safety.
- f. If used, tack and/or harness must fit properly and be well maintained so as to minimize the potential for injuries.
- g. Transportation. Camelids must be able to stand so that their backs do not touch the top of the transport conveyance, and the density of the load must allow all animals to lie down at the same time.

8.12 EQUINE

- a. Feed and water. All newborn foals must be offered colostrum, or a colostrum replacement within the first 24 hours of life.
- b. Management. The following livestock management procedures are acceptable and, if performed, must be performed in a humane manner.

- i. The responsible party must ensure that castration is performed by a licensed veterinarian; and,
 - ii. Shearing of horses in the winter must be done so in compliance with the provisions of RI General Laws 4-1-6.
 - iii. The responsible party must monitor regularly for the condition and ensure that the hooves are regularly trimmed to prevent overgrowth, cracking, chipping, and lameness.
- c. All housing systems must meet the following requirements:
 - i. Must provide a clean and safe environment that promotes the health, welfare and performance of equines at all stages of their lives;
 - ii. Have a stocking density that allows for all equines to easily lie down at the same time in a normal resting posture and be able to easily stand back up at all stages of production, and in addition all animals must be able to access feed and water without excessive competition;
 - iii. Must provide access to facilities or natural features that provide reasonable protection from adverse weather conditions and predators;
 - iv. Enclosures, including fencing, must be designed and maintained so as to minimize injury and provide for the safety of humans and other animals;
 - v. Environmental management must be designed to control parasite infestation and minimize insect infestations;
 - vi. Light intensity must be adequate for observation during inspection.
- d. Indoor housing systems must meet the following requirements:
 - i. If a stall is used, the stall must be cleaned regularly. If bedding is used the bedding must be replenished regularly with clean, good quality, and absorbent bedding; and,
 - ii. If confined in a stall, the responsible party must provide access for exercise as necessary to maintain the health of the animal.
- e. Outdoor housing systems must meet the following requirements:
 - i. Must seek to minimize prolonged exposure to adverse environmental conditions that compromise the animal's health and safety; and,
 - ii. If open lots are used, they must be maintained to promote proper drainage away from resting areas and feed and water.
- f. Tack and/or harness must fit properly and be well maintained so as to minimize the potential for injuries.
- g. At non-terminal markets, sales, and auctions the responsible party must provide a dry area so that all equines can lie down at the same time and be protected from adverse weather. If maintained for more than eight hours at such facilities, equines must be provided access to feed and water.
- h. Transportation.
 - i. Suckling foals must be transported separately from other animals and must be transported with their dams, unless the health and safety of the foal is compromised;
 - ii. Stallions and jacks must be separated from other equines during transport;
 - iii. Use of double decked trailers for equine transportation is prohibited in state pursuant to RI General Laws 4-1-39;
 - iv. Non-ambulatory disabled equine must not be loaded for transport except for treatment;
 - v. Equines must be able to stand upright in their normal position without their heads, exclusive of the ears, touching the top of the conveyance.

RULE 9. VIOLATIONS

Any person, firm or corporation who violates any provision of these regulations shall be subject, upon conviction after a hearing, to a fine of five hundred dollars (\$500.00) for the first offense and not to exceed one thousand dollars (\$1000.00) for the second offense and any subsequent offense. Any offense may result in the seizure of animals by the Department. The cost of the care for any animal seized by the Department under the authority of these rules and regulations is the responsibility of the owner of the animal at the time of seizure. Each day for which the violation persists without remedy shall constitute a separate violation.

RULE 10. ENFORCEMENT

Any employee of the Department of Environmental Management, Division of Agriculture and the Department of Environmental Management, Division of Law Enforcement is empowered and authorized to enforce any of the provisions in these Rules and Regulations.

RULE 11. EFFECTIVE DATE

The foregoing "Rules and Regulations Governing Livestock Welfare," after due notice, are hereby adopted and filed with the Secretary of State this day of _____, to become effective twenty (20) days thereafter, in accordance with the provisions of Chapters 42-35, 42-17.1 and 42-17.6 of the General Laws of Rhode Island of 1956, as amended.

Janet L. Coit, Director
Department of Environmental Management

Notice Given on: October 12, 2016

Public Hearing held: October 24, 2016

Filing Date:

Effective Date:

ERLID:



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
DIVISION OF AGRICULTURE
235 Promenade Street, Room 370
Providence, Rhode Island 02908

Cost Benefit Analysis of proposed *Rules and Regulations Governing Livestock Welfare*
Source: USDA National Agricultural Statistics Service 2012 report

Summary of RI animal agriculture: There are 1,243 total farms in the state of which 521 are pasture (raise livestock). It should be noted that of those 521 farms that have designated livestock pasture some will have multiple species, therefore the total number of farms with animals may exceed 521 since a farm that pastures cattle and horses for example would be counted twice under the individual species below. Also, some farm production systems don't utilize pasture in the raising of their livestock; therefore also skewing that number, 521.

There are 300 farms with cattle, 30 of which have dairy cattle, the remainder are beef or other. 236 farms raised cows with calves, and of those 236 farms 208 have fewer than 20 head. 212 farms raised beef cattle specifically and 198 of them raised fewer than 20 head. Of the 30 farms that raised milk cows, 16 had fewer than 20 head, and only 1 farm had more than 200 head. There are 77 farms that have hogs or pigs. 74 of those farms have fewer than 100 head and 2 farms have more than 200 head. 122 farms raise sheep and lambs. 120 have fewer than 100 head of sheep and lambs and 2 farms have more than 100 head. 285 farms in RI have equine species with 266 having fewer than 25 head on the farm. 20 farms have between 25 and 100 head.

Poultry is a wide category of livestock that is better broken down into subcategories. 327 farms raised egg laying hens with 300 of them raising fewer than 400 birds. Only 1 farmer raised more than 10,000 birds. 49 farmers raised 13,402 broiler type chickens, 24 farmers raised an undetermined number of turkeys, and 52 farmers raised 450 ducks. Other categories are primarily exhibitors or poultry fanciers who raise smaller numbers of birds.

Rhode Island animal agriculture is characterized by a relatively large number of small farms. The size of these farms is minuscule compared to average production facilities on a national basis. Additionally, for the majority of RI livestock farmers, farming is a supplemental source of income rather than the primary source of income for the farm owner. The cost of raising livestock in RI is considerably higher than in other parts of the country due in part to high land values, high property taxes, high labor costs, high fuel costs, and long distances from animal feed production areas resulting in high feed costs. Feed costs are the single largest factor in the cost of livestock production.

As a result of these economic pressures RI livestock farmers find it difficult to compete in conventional markets. Therefore, novel production and marketing strategies have been developed to boost profitability. The most commonly employed strategy is to directly market livestock products to consumers and restaurants. This marketing paradigm has resulted in modest increases in the number of farms raising livestock as well as the number of head of livestock being raised. Unfortunately, some new farmers, though well-intended, may lack sufficient knowledge or experience in livestock production, occasionally resulting in animal welfare concerns.

The Rhode Island Department of Environmental Management (RIDEM) and the Rhode Island Society for the Prevention of Cruelty to Animals (RISPCA) are the two agencies that respond to the vast majority of citizen complaints about the welfare of livestock in the state. RIDEM and RISPCA may conduct investigations independently or together. Combined, the two agencies conduct approximately 65 investigations related to livestock welfare annually. In general terms, the physical condition of animals is the most common complaint (condition related to animal weight, lameness, and hoof care), followed by access to sufficient feed and water and access to suitable shelter. Of the complaints that these agencies receive, the majority (approximately 90%) are unfounded. Of those complaints that are with merit (about 6 annually), most of the situations are not due to criminal neglect, but rather ignorance or complacency within the food animal sectors. The equine sector is somewhat different in that animal owners sometimes cite economic hardship and few options to dispose of an unwanted horse as a reasons for substandard care. (Horse owners generally resist selling horses at livestock auctions, especially those where horses are purchased for slaughter.)

Cost analysis: The cost of compliance with these regulations will be negligible for most of the regulated entities. Most will be fully compliant with these regulations upon their adoption. There will be a very small subset, estimated to be approximately 1% of the known livestock farms (derived from the number of farms and the number of actionable complaints received by RIDEM and RISPCA), of the regulated community that will not be in compliance with these regulations upon their adoption and as such they will find a modest cost related to achieving compliance. For this subset, this cost increase will merely reflect the cost of raising the level of care that they provide for their animals to the minimum standard of care that all livestock should enjoy. Otherwise stated, this subset has been providing substandard care and the only cost related to compliance would be the cost of providing proper care (sufficient feed, sufficient hoof care, etc.) to maintain the health and welfare of the animal. They would not be paying more for the care of their animals, they will simply no longer be able to get away with cutting corners to the detriment of the animals' welfare.

Some farmers will need to make different management decisions in order to minimize potential costs related to compliance with these proposed regulations. For instance, dehorning or castrating livestock at a younger age will alleviate the cost of providing pain management after those procedures. Doing so will necessitate a change in management that will improve animal welfare and need not incur any additional cost of compliance.

The most significant potential costs of compliance would be related to making infrastructure improvements on farms. It is not estimated that any existing farms will need to make significant infrastructure improvements to gain compliance with these regulations. At this time there are no open investigations of any entity that would be regulated under these proposed rules that the entity would need to outlay any capital to improve farm infrastructure in order to achieve compliance. Therefore, though this potential cost exists, there is no known entity in a state of noncompliance.

Therefore the Department does not predict there to be any necessary costs related to compliance with these proposed regulations apart from the costs directly related to proper animal care.

Benefit analysis: The benefit of these proposed rules and regulations will be that an enforceable minimum care standard for livestock will be established. The citizens of the state, the livestock farmers, and the animals themselves will benefit from such standards.

The citizens of the state have concern about animal welfare. Rhode Island has the largest percentage of livestock produced that is marketed directly to consumers. While RI farmers only produce approximately 1% of the food that is consumed in the state, over 50% of the livestock products that are produced in RI are sold in RI. RI consumers have made it clear through their support of local agriculture that they are concerned about how the animals they consume are raised. The standards set forth in these proposed rules and regulations will provide the consumers with the assurances that they desire in knowing that the livestock in RI are being humanely raised.

The farmers in the state will benefit in several ways. First, they can assure their customers that they are required to be in compliance with the standards set forth in these proposed rules and regulations. These assurances can assist with marketing of their products. For some farmers, these rules and regulations will provide guidance in the proper care of animals. Finally, these rules and regulations will serve as an alternate to criminal prosecution of animal welfare issues when it is appropriate to exercise that option. Thus, farmers who may have violations of the regulations can be appropriately penalized without necessarily invoking criminal penalties.

The direct benefit to animal welfare is self-evident. Enforceable minimum standards of care will ensure that livestock are humanely treated and will be kept in a manner to promote health and safety while minimizing pain and physical stress.

Economic Impact Statement for Existing Regulations: Rules and Regulations Governing Livestock Welfare

SMALL BUSINESS IMPACT STATEMENT

In order to accurately predict the impact the adoption, amendment, or repeal of a regulation will have on small businesses, the promulgating authority must conduct a thorough analysis that not only considers the potential effects of the action but also quantifies the costs, if any, associated with each. The questions below are designed to aid promulgating authorities in conducting their analysis.

Agency submitting regulation: RI Department of Environmental Management/Division of Agriculture

Subject matter of regulation: The standards of care for livestock that are housed or kept within the state.

ERLID No: TBD

Statutory authority: These rules and regulations are promulgated pursuant to the authority of R.I. Gen. Laws § §42-17.1-2(19) and 42-17.1-4 (3) as amended, and in accordance with the procedures set forth in the *Rhode Island Administrative Procedures Act*, R.I. Gen. Laws Chapter 42-35. These rules and regulations are also promulgated with the advice and consent of the Rhode Island Livestock and Welfare Standards Advisory Council pursuant to R.I. Gen. Laws § § 4-26-5 (1) , 4-26-5 (3) and 4-26-3(7) of *The Rhode Island Livestock and Welfare Standards Advisory Council Act of 2012*.

Other agencies affected: None outside DEM

Other regulations that may duplicate or conflict with the regulation: None

Describe the scope and objectives of the regulation: These rules and regulations are established to provide minimum standards to govern the care of livestock within the state. They serve as standards for the construction and maintenance of livestock housing, the care of animals housed in the state, as well as the criteria for inspectors to use when conducting inspections to ensure animal welfare as a result of a complaint.

What was the rationale for establishing this regulation? The Department finds that the citizens of the state are generally concerned with the welfare of all animals within the state. The Department also finds that the citizens of the state generally favor the development of an administrative process for the Department to ensure the welfare of the animals within the state. The Department promulgated rules and regulations governing animal care facilities in 2015 to address the welfare of pet type animals being kept in commercial facilities. However, there is a lack of administrative oversight related to the minimum standards of care for livestock; animals that are also kept for commercial purposes. Therefore, the Department seeks to establish minimum care standards for livestock within the state consistent with the recommendation received by the Department from the Rhode Island Livestock and Welfare Standards Advisory Council. These rules and regulations will serve as guidance for animal caretakers as well as a means of enforcement to ensure that livestock species are being properly cared for.

Does the rationale still exist? Yes

Is the rationale still relevant? The rationale is extremely relevant. The Department receives frequent complaints about the welfare of livestock animals being kept on farms. Unfortunately, the Department lacks the tools to enforce minimum standards for the care of these animals. These regulations will provide the standards and the means of enforcement of those standards.

Business industry (s) affected by the regulation: Animal agriculture

Types of businesses included in the industry (s): Dairy farms, poultry farms, broiler farms, turkey farms, sheep farms, goat farms, horse farms, pig farms, beef producers, egg producers.

Total number of small businesses included in the regulated industry (s) Approximately 550

Number of small businesses potentially subject to the proposed regulation: Approximately 550

How often do small businesses contact your agency for assistance with clarification of the regulation and/or receive assistance with compliance issues? These are proposed new regulations. The entities that will be regulated by these proposed regulations infrequently contact my agency for guidance in the care of their animals. However, the citizens of the state frequently contact my agency with concerns of the welfare of animals being kept on farms in Rhode Island.

What is the cost to your agency of establishing and enforcing this regulation? There is no direct cost.

What would the consequences be if the regulation did not exist? Substandard care of livestock animals kept on Rhode Island farms with no means of improvement of the care of those animals and no action to be taken until the substandard care reached a level of prosecution under RI Gen Laws 4-1, Animal Cruelty. It is beneficial to have a means of intervention before animals suffer cruelty.

Effective date used in cost estimate: 2012 USDA-NASS Report

For each question below, please answer “yes” or “no” and offer a brief explanation. Please describe any facts, data, views, arguments, or other input from small businesses, organizations or any other sources that were used to quantify the impacts outlined below.

1.	Yes	No X	Do small businesses have to create, file, or issue additional reports?
2.	Yes	No	Do small businesses have to implement additional recordkeeping procedures?

		X	
3.	Yes	No X	Do small businesses have to provide additional administrative oversight?
4.	Yes	No X	Do small businesses have to hire additional employees in order to comply with the proposed regulation?
5.	Yes	No X	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)?
6.	Yes X	No	Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation? In the majority of cases small businesses will not be required to make any capital investments in order to comply with these regulations. In a few instances capital investments may be required in order to improve the safety and sanitation of the facilities where animals are kept. These would be substandard facilities that need to make improvements.
7.	Yes	No X	Are performance standards more appropriate than design standards?
8.	Yes	No X	Does the regulation require small businesses to cooperate with audits, inspections, or other regulatory enforcement activities? Most of the regulated entities are not licensed with the Department. Therefore, inspections for compliance would be driven solely by complaints. There is no requirement for the regulated entity to consent to inspection. Inspectors would need to procure an administrative warrant to enter any premises for which the inspectors are denied access.
9.	Yes	No X	Does the regulation have the effect of creating additional taxes and/or fees for small businesses?
10.	Yes	No X	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?
11.	Yes	No X	Is the regulation likely to <i>deter</i> the formation of small businesses in RI?
12.	Yes	No X	Is the regulation likely to <i>encourage</i> the formation of small businesses in RI?

13.	Yes	No X	Can the regulation provide for less stringent compliance or reporting requirements for small businesses? There is no reporting requirement.
14.	Yes	No X	Can the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses? Most entities will not require any action in order to be compliant. Deadlines for compliance will be subject to Departmental determination as to the severity of the noncompliance.
15.	Yes	No X	Can the compliance or reporting requirements be consolidated or simplified for small businesses?
16.	Yes	No X	Can performance standards for small businesses replace design or operational standards?
17.	Yes	No X	Are there alternative regulatory methods that would minimize the adverse impact on small businesses? The Department has determined that the standards as adopted by the Livestock Welfare and Care Standards Advisory Council lacked enforceability.
18.	Yes	No X	Have any small businesses or small business organizations been contacted during the preparation of this document? If so, please describe. Not for this document, but stakeholder outreach through meetings and email correspondence has occurred. In addition, the standards that these proposed regulations are based on have been published on the Department's site since 2014.

State of Rhode Island and Providence Plantations
Department of Administration
Office of Management and Budget - Budget Office
(Revised: 02/18/2014)

Fiscal Note for Proposed Administrative Rules (R.I.G.L. 22-12-1.1)

Date of Notice: October 12, 2016

Date of Hearing: October 24, 2016

Title of Administrative Rule: *Rules and Regulations Governing Livestock Welfare*

RIGL: These rules and regulations are promulgated pursuant to the authority of R.I. Gen. Laws § §42-17.1-2(19) and 42-17.1-4 (3) as amended, and in accordance with the procedures set forth in the *Rhode Island Administrative Procedures Act*, R.I. Gen. Laws Chapter 42-35. These rules and regulations are also promulgated with the advice and consent of the Rhode Island Livestock and Welfare Standards Advisory Council pursuant to R.I. Gen. Laws § § 4-26-5 (1) , 4-26-5 (3) and 4-26-3(7) of *The Rhode Island Livestock and Welfare Standards Advisory Council Act of 2012*.

FISCAL IMPACT

<i>State Revenues</i>		<i>State Expenditures</i>		<i>City/Town Expenditures</i>	
FY 2017	\$0	FY 2017	\$0	FY 2017	\$0
FY 2018	\$0	FY 2018	\$0	FY 2018	\$0
FY 2019	\$0	FY 2019	\$0	FY 2019	\$0

Summary of Policy Change: These regulations will provide minimum care standards for livestock within the state of Rhode Island. They will codify into regulations the Livestock Welfare and Care Standards that were adopted by the Livestock Welfare and Care Standards Advisory Council.

Summary of State Fiscal Impact: There will not be any fiscal impact upon the State due to the adoption of the proposed amendments to existing regulations.

City or Town Impact: There will not be any fiscal impact upon Cities and Towns due to the adoption of the proposed amendments to existing regulations.

Approved:

Thomas A. Mullaney
Executive Director/State Budget Officer

Date

Date of Public Notice: October 12, 2016

Date of Public Hearing: October 24, 2016
End of Comment period: November 14, 2016

NOTIFICATION FORM
Name of Department or Agency here:
**SMALL BUSINESS REGULATORY IMPACT AND
REGULATORY FLEXIBILITY ANALYSIS**
(R.I.G.L. § 42-35.1-4)

Title of Administrative Rule or Regulation: *Rules and Regulations Governing Livestock Welfare*

Statutory Authority: (R.I. General Law(s)) These rules and regulations are promulgated pursuant to the authority of R.I. Gen. Laws § §42-17.1-2(19) and 42-17.1-4 (3) as amended, and in accordance with the procedures set forth in the *Rhode Island Administrative Procedures Act*, R.I. Gen. Laws Chapter 42-35. These rules and regulations are also promulgated with the advice and consent of the Rhode Island Livestock and Welfare Standards Advisory Council pursuant to R.I. Gen. Laws § § 4-26-5 (1) , 4-26-5 (3) and 4-26-3(7) of *The Rhode Island Livestock and Welfare Standards Advisory Council Act of 2012*.

The Regulation: *(The purpose for the amendment(s)):* The Department finds that the citizens of the state are generally concerned with the welfare of all animals within the state. The Department also finds that the citizens of the state generally favor the development of an administrative process for the Department to ensure the welfare of the animals within the state. The Department promulgated rules and regulations governing animal care facilities in 2015 to address the welfare of pet type animals being kept in commercial facilities. However, there is a lack of administrative oversight related to the minimum standards of care for livestock; animals that are also kept for commercial purposes. Therefore, the Department seeks to establish minimum care standards for livestock within the state consistent with the recommendation received by the Department from the Rhode Island Livestock and Welfare Standards Advisory Council. These rules and regulations will serve as guidance for animal caretakers as well as a means of enforcement to ensure that livestock species are being properly cared for.

Expected Small Business Impact: Most of the entities that these rules will regulate are small businesses. However, most of the small businesses that will be encumbered by these proposed rules and regulations will be in compliance with them without any need for any capital expenditure or any other operational changes.

Regulatory Flexibility Analysis: *(agency should make a determination as to whether there is an impact on small businesses)*

The agency shall consider, without limitation, each of the following methods of reducing the impact of the proposed regulation on small businesses:

- (1) The establishment of less stringent compliance or reporting requirements for small businesses.

Less stringent means of assurance of adequate animal care were considered. Unfortunately there does not appear to any viable option available other that the proposed regulations achieve this agency's statutory obligation to ensure that minimal care standards, are satisfied for the animals being cared for. The Department considered guidance documents for the entities that would be covered by these proposed regulations. In fact, the Rhode Island Livestock Welfare and Care Standards Advisory Council adopted Livestock Welfare and Care Standards in 2014. That

document served as the foundation of these proposed rules and regulations. The Department has determined that those standards are not enforceable. Therefore the Livestock Welfare and Care Standards Advisory Council petitioned the Department to promulgate those standards into Departmental rules and regulations. Stakeholder meetings have been conducted and the regulated entities have not identified any significant obstacles to compliance with these proposed rules and regulations. The regulations themselves are necessary and are largely embraced by the regulated community.

- (2) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses.

Most of the entities that are governed by these regulations will be in compliance on the effective date of these regulations and will not need to take any action. However, a small minority of livestock producers will need to make certain improvements. The establishment of a less stringent deadline for compliance will require the imposition of improper housing and care of animals during the delay provided.

- (3) The consolidation or simplification of compliance or reporting requirements for small businesses.

There is no consolidation necessary or possible.

- (4) The establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation.

There is no need to establish performance standards since these regulations will not result in modification of design standards, and potentially will have only minimal influence on operational standards of the regulated entities.

- (5) The exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

Very few small businesses will be financially affected by these regulations and those that are affected are the entities that represent the greatest risk. It would be impossible to exempt small businesses from these proposed rules and regulations since virtually all of the regulated entities are small businesses. The cost of mitigation, response, and investigation of mistreatment of livestock animals will far outweigh any slight negative impact that these regulations will impose on the regulated entity.

Any questions regarding these proposed regulations should be directed to the RI State Veterinarian, Scott Marshall, DVM. Dr Marshall can be reached via telephone at (401) 222-2781 ext. 4503, or via email at scott.marshall@dem.ri.gov.