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July 3, 2003

Dr. Nancy E. Halpern  
Director, Division of Animal Health  
New Jersey Department of Agriculture  
P.O. Box 330  
Trenton, NJ 08625-0330

**RE: Public Notice N.J.A.C. 2:8; Rule 168; NJR May 5; 2003, The Establishment of Standards for the Humane Raising, Keeping, Care, Treatment, Marketing and Sale of Domestic Livestock as well as Rules and Regulations Governing the Enforcement of Those Standards.**

Dear Madam:

The Food Marketing Institute (FMI) welcomes the opportunity to comment on the New Jersey Agriculture Commission's (N.J.A.C's) Public Notice 2:8 which would establish standards for the humane raising, keeping, care, treatment, marketing and sale of domestic livestock as well as rules and regulations governing the enforcement of those standards.<sup>1</sup> FMI would like to make N.J.A.C. aware of the comprehensive, national animal welfare program that is well underway. The program was spearheaded by FMI and the National Council of Chain Restaurants (NCCR) three years ago. FMI and NCCR have been working with the producer community, noted scientists and animal welfare experts on these guidelines as well as an independent audit program.

FMI does not think it is in the best interest of the public for New Jersey to establish rules that are in possible conflict with industry-agreed-upon guidelines as animal welfare is a universal concern. We will all benefit by using the same information

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<sup>1</sup> FMI conducts programs in research, education, industry relations and public affairs on behalf of its 2,300 member companies — food retailers and wholesalers — in the United States and around the world. FMI's U.S. members operate approximately 26,000 retail food stores with a combined annual sales volume of \$340 billion — three-quarters of all food retail store sales in the United States. FMI's retail membership is composed of large multi-store chains, regional firms and independent supermarkets. Its international membership includes 200 companies from 60 countries.

and the same guidelines in our efforts to enhance the well-being of animals in agricultural production.

FMI and NCCR selected guidelines as opposed to rules because animal welfare research is on-going and new findings come to light each day. The industry requires such a flexible forum to continuously incorporate new scientific research.

Since FMI, NCCR and others have already established a nationwide program of which the entire supply chain is a part, we would assume this would accomplish N.J.A.C.'s overall objective. We would be delighted to meet with you to explain the painstaking process it took to arrive at this point as well as to help you adopt these guidelines as your own. We know the commitment it takes to get a project like this up and working. Please review the enclosed material that we included as part of our comments.

Thank you for the opportunity to comment and do not hesitate to contact us for help in your endeavors.

Sincerely,

Elizabeth Wise Vaughan  
Director, Government Affairs

Enclosures: [can be found at [http://www.fmi.org/animal\\_welfare/](http://www.fmi.org/animal_welfare/)]

- FMI-NCCR Animal Welfare Program Reports: June 2003, January 2003, June 2002, February 2002
- FMI Board Policy
- Several Press Releases
- Guidelines from American Meat Institute and United Egg Producers
- Animal Welfare Audit Program: general information and examples