



STATE OF MICHIGAN
DEPARTMENT OF AGRICULTURE
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

DAN WYANT
DIRECTOR

February 14, 2005

Ms. Hannah Schein
PETA
501 Front Street
Norfolk, Virginia 23510

Dear Ms. Schein:

Thank you for your expression of interest in this matter regarding welfare of animals in Michigan. You may not be aware of the fact that the Michigan Department of Agriculture (MDA) authority for animal welfare compliance and enforcement extends only to those facilities that are regulated by the department such as animal shelters, pet stores, and riding stables. Authority for all other actions regarding welfare is placed with law enforcement agencies such as police and animal control officials, or with federal agencies.

With this limitation in mind, when concerns regarding the Ouderkirk's business were brought to our attention, MDA responded by contacting local law enforcement officials and the United States Department of Agriculture's (USDA) Animal Care officials to investigate by arranging a joint visit to the Midland, Michigan facility. Our understanding at that time was that the Ouderkirks held a USDA Animal Dealer license under the Animal Welfare Act and were, therefore, subject to the inspection and enforcement authority of USDA. During this investigation it was learned that the Ouderkirks had dropped this license a few months earlier. Regardless, they voluntarily allowed USDA veterinary inspectors, MDA veterinary inspectors, and local animal control officers into their operation for inspection and review of animal handling, care and feeding, euthanasia, disposal, and record-keeping practices.

The outcome of the visit was as follows:

1. The Ouderkirks agreed to discontinue the use of electrocution in favor of euthanasia by lethal injection (cervical dislocation may occasionally be used for smaller animals in accordance with the American Veterinary Medical Association's Euthanasia Guidelines), and to work with a local private veterinarian for euthanasia and humane handling training and guidance;

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2. The Ouderkirks re-established their USDA Animal Dealer license and are again subject to unannounced inspections by USDA Animal Care staff, where animal housing, housekeeping, feeding, and record-keeping practices will be reviewed and requirements enforced;
3. The Ouderkirks were informed of, and agreed to comply with, provisions of Michigan law pertaining to bodies of dead animals;
4. The Ouderkirks were informed of, and agreed to comply with, provision of the Michigan Penal Code pertaining to animal welfare, enforced by law enforcement officials.

While Michigan regulatory authority does not specifically address fur farming, the existing network of state and federal animal welfare protections was able to achieve the appropriate outcome in this situation. If you are interested in seeking additional legal protections we recommend that you contact your local legislative representative as it is with this body that changes to law must be initiated.

Respectfully,

A handwritten signature in black ink, appearing to read "Steven L. Halstead" followed by some initials or a flourish.

Steven L. Halstead, D.V.M., M.S.
State Veterinarian and Division Director
Animal Industry Division

SLH/jyd