



**NZPork's Submission on the Proposed Animal Welfare  
Regulations (Care and Conduct and Surgical & Painful  
Procedures) MPI Discussion Paper No: 2016 /12**

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# 1. Introduction

NZPork is a producer body which is funded by statutory levy, and whose statutory purpose is to act in the interests of New Zealand pig farmers within the broader framework of contributing to the New Zealand economy.

NZPork's submission is made on behalf of New Zealand commercial pig farmers.

The New Zealand pork producing industry is very small in international terms, contributing less than 0.1% of international production. It is however a very resilient sector within the New Zealand farming landscape, existing without any government support at any time.

Points relevant to this submission are—

Currently New Zealand's consumption of pigmeat is almost 22.6/ capita. 60% of pigmeat consumed is imported for which there are no animal welfare requirements.

- Because of the high level of imports, New Zealand's pork producing industry is heavily influenced by the international market, notwithstanding its domestic focus.
- NZPork's focus is supporting a world class sustainable industry. It invests producer funds to support international good practice animal welfare, along with environmental practices, and to maintain its very favourable health status. Its objective is the production of safe and suitable food that consumers choose to purchase. It goes without saying that price is one critical factor in consumer choice and so productivity improvements are a major focus for the industry in the face of rapidly growing imports from countries operating on larger scales and to lesser standards than our own.
- NZPork and New Zealand's commercial pig farmer takes animal welfare very seriously. New Zealand's commercial pig farmers are strongly concerned to provide for the welfare of the animals they spend their lives caring for, and to provide assurance of this care to their consumers.
- The industry has implemented PigCare™, an innovative animal-based welfare assurance programme which also cross-references to the minimum standards in the Pigs Code of Welfare. PigCare™ now spans the commercial industry, is supported by wholesalers and is a requirement for use of the 100% New Zealand pork (ham and bacon) PigCare™, thereby providing welfare assurance to consumers.
- NZPork and individual farmers closely monitor international research and particularly its commercial application. It undertakes New Zealand research. For example, it has supported a PhD student to assess free farrowing systems, and has facilitated an MPI funded study to identify best practice outdoor farrowing systems. In addition NZPork is a foundation member and funding contributor to the Pork CRC, an Australian-based cooperative research centre focussing on research to support the production of high integrity pork, both product quality and production practices.

NZPork supports the concept of improving the clarity, transparency and enforceability of animal welfare requirements. It supports the concept of enforceability extending to small scale/ lifestyle owners to provide for the welfare of all pigs.

NZPork views regulations as an additional tool to codes of welfare sitting under the Animal Welfare Act. We would be very concerned if regulations become the prime focus of providing for welfare. Animal welfare is a holistic concept. Particularly within more controlled animal production systems such as pig farming, there is interaction of a number of factors.

NZPork welcomes the opportunity to review these proposals. It goes without saying that we agree with MPI: *MPI recognises the importance of ensuring that the regulations make sense and are practical in everyday situations for those people that live and work with animals* (p 4).

MPI has loosely referred to seeking industry input to a regulatory impact assessment for specific proposals: *As well as the specific questions that are asked for each proposal, we are also keen to know the impact that the proposals could potentially have on more general issues such as the costs they might generate, business processes that may need to be adapted and any unintended consequences that could arise* (pp 4-5).

The very short time provided for consultation has not allowed us to evaluate all specific proposals against current industry practice, and fully cost the economic impact and timing associated with any change for commercial farmers. A regulatory impact assessment is required before any regulations are put in place if they are not exact current minimum standards that have been fully consulted on with a supporting impact assessment already undertaken.

## 2. Summary of Recommendations on proposals concerning Pigs

### Proposal 1. All Animals – Electric prodders (refer p 10)

We request amendment to the proposal as follows:

Electric prodders may only be used on:

- a) cattle **and other animals** over 100kg;
- b) cattle over 100kg and other animals, in a circus where the safety of the handler is at risk; or
- c) cattle over 100kg, and other animals, in a commercial slaughter premises:
  - i. where the safety of the handler is at risk; or
  - ii. when loading a stunning pen.
- d) **other animals:**
  - i. **where the safety of the handler is at risk;**
  - ii. **when loading.**

### Proposal 2. All Animals – Use of goads (refer p 11)

We support the intent of the proposal.

### Proposal 24. Pigs – Dry sleeping area (refer p 12)

We support the intent of the proposal.

### Proposal 25. Pigs – Lying space for grower pigs (refer pp 13 – 15)

We request amendment to the proposal as follows:

Grower pigs housed inside on non-litter systems such as slatted or solid floors must be provided **with an area of, on average**, at least: Area (m<sup>2</sup>) per pig = 0.03 x liveweight 0.67(kg).

### Proposal 26. Pigs – Dry sow stalls (refer p 16)

We support the intent of this proposal, and the definitions of 'dry sow stall' and 'mating stall' in the 2010 Code of Welfare for Pigs.

### Proposal 27. Pigs – Size of farrowing crates (refer p 17)

We request amendment to the proposal as follows:

**When standing in a farrowing crate the sow must not touch both sides of the crate simultaneously, and her back must not touch any bars along the top.**

### Proposal 28. Pigs – Provision of nesting material (refer pp 18 – 19)

We request that this proposal is not regulated.

### Transport Proposals (Proposals 34, 38, 39, 40) (refer p 20)

We support the intent of these proposals, and request that Proposal 39 is amended to permit the same relatively minor degree of lameness as for Proposal 38.

### Proposal 55. All Animals – Dental work (refer p 22)

We support the intent of the proposal.

Proposal 80. Pigs – Castration (refer p 23)

We support the proposal currently, noting the proviso to seek to amend this regulation if required.

Proposal 81. Pigs – Tail docking (refer p 24)

We request amendment to the proposal as follows:

Tail docking (under 7 days):

- May be undertaken by anyone.
- The procedure must create a clear cut and not tear the tissue.

Tail docking (over 7 days):

- Must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian; **or by a person operating under veterinary operating instructions where it is not practical to undertake under 7 days of age;**
- Pain relief must be used at the time of the procedure.

Additional regulations (refer p 25)

We request that nose ringing, boar tusk trimming and needle teeth clipping are regulated if required to ensure that these husbandry procedures can continue to be done on-farm.

### 3. General Questions

Question 1: *Is there any reason why changes to the Act not yet in force, should not be brought into force at the same time as the regulations (rather than waiting for them to automatically commence in 2020)?*

Generally we are concerned about the speed with which the introduction of regulations is being undertaken. We accept the rationale to act quickly in regard to the upcoming bobby calf season but this timing does not have to apply to all regulations.

We are cautious about the implementation of changes in regard to surgical procedures. Is MPI confident that the changes to the Act can be immediately implemented with no unintended consequences for the continuation of current good practice for undertaking such procedures?

Question 2: *Are the infringement fees proposed for sections 156I and 36(3) appropriate?*

Section 36 (3) does not directly concern us.

Section 156I sets penalties for non-compliance with a compliance notice. Our view is that these penalties are excessive for a compliance notice which is not complied with: a compliance notice is designed as an early intervention tool with its scope described in section 156A.

We agree with the proposal (section 2.3.2) that the fee for an infringement offence associated with non-compliance with a Compliance Notice (section 156I (1)) be set at \$500.

Question 3: *Are there any minimum standards or additional matters you think should become regulations immediately, which are not included in the regulatory proposals in Part B?*

Yes. Refer our submission section 7: Additional regulations. We request that regulations are set for some husbandry procedures to ensure they are not classed as significant surgical procedures under the new provisions of the Act and therefore become vet only.

Question 4: *Are there any minimum standards or additional matters that you think should be considered for regulation in the future, once the implications of regulating these areas are better understood?*

Possibly. However it is our strong recommendation that the priority is to give sufficient attention and analysis to these current proposals to ensure that the full implications of potential regulations including their impacts are understood before implementation.

We are very concerned about the generality of parts of the current discussion document and some proposals; both with the lack of evidence of welfare benefit and with the lack of assessment of the impact on the industry.

The discussion document states: *Some proposals go beyond existing minimum standards and the consultation process will help to accurately identify the full costs of these proposals (p 3)*. We have highlighted in our Introduction that the very limited time provided for consultation has not provided time for us to accurately assess the proposals against current practice and the full costs of any change required.

Proper regulatory process requires an assessment of benefit and cost before implementation.

Question 5: *Are there any proposed regulations, set out in Part B that should not be regulated?*

Yes. Refer our submission section 4 on Proposal 28: Provision of manipulable material before farrowing.

Our recommendation is that this proposal is not progressed as a regulation until evidence is provided that manipulable and/or malleable material can be provided in current commercial farrowing systems in New Zealand, in a way that improves the sow's net welfare, does not compromise other welfare elements including hygiene and piglet survival, does not compromise effluent management systems; and it has been consulted on, and the full cost implications for commercial implementation has been assessed.

Question 6: *If so, how should these matters be managed?*

Refer our submission on Proposal 28: research is required to elaborate that the sow's net welfare is enhanced in a meaningful way within a commercial farming situation.

Question 7: *Do you think there should be a wider use of non-regulatory mechanisms? If so, in what situation?*

Yes we do. We see considerable potential for the use of non-regulatory mechanisms in addition to regulatory mechanisms. Non-regulatory mechanisms generally have the buy-in of industry, often commercial incentives, and strengthen collaboration between regulators, enforcers and industry. The example quoted (p15) of the effectiveness of the dairy industry initiative to address inductions is a good case in point.

Welfare assurance programmes can address animal welfare in a holistic way and operate with commercial incentives.

For example, PigCare™, the New Zealand pork industry's on-farm animal based assessment of welfare is an example of an effective non-regulatory mechanism that has raised on-farm performance since its inception. PigCare™ now spans the whole commercial farming sector, is incentivised via the supply chain, and is a requirement for labelling with 100% New Zealand pork, ham and bacon logos, providing an assurance of welfare through to the consumer. We welcome MPI's ongoing support.

Note for example, the 'Fit to Load' guidelines that are used as a supporting tool for PigCare™. These guidelines were developed in conjunction with MPI VS and NZVA's Pig Veterinary Society. The 'Fit to Load' guidelines are directly relevant to selection of pigs for transport.

We believe there is a place for both regulatory and non-regulatory mechanisms. Regulations in theory have value in enforceability, but regulations are not the whole answer to provide for welfare, as animal welfare cannot be simply reduced to single issues for which measurable black-and-white criteria can be specified. In many cases a number of factors are interactive in assuring welfare.

Question 8: *Will the proposed regulations, set out in Part B, change the way you or others currently operate, if so, in what ways? What implications would these have for you?*

As already noted, NZPork and commercial farmers take animal welfare very seriously. The facilitation of PigCare™ is one illustration of this. It has been effective in raising animal welfare standards.

We are hopeful that enforcement of any animal welfare regulations that come out of these proposals will emphasise the importance of animal welfare standards among the non-commercial sector of pig owners.

Section 4 of our submission covers our concerns about the value and consequences of the implementation of some particular proposals before a full assessment is completed.

*Question 9: Are the infringement offences and respective fees proposed for breaches of the proposed regulations, outlined in Part B, appropriate? Should any of the proposals attract higher or lower fees or penalties?*

AND

*Question 10: Are the prosecutable offences proposed in the regulations appropriate? If not, why not?*

It is difficult to understand the reasoning for the type of offence and fee proposed for various proposed regulations.

We do not support the setting of prosecutable offences for proposed regulations without evidence that such regulations are necessary to meet the requirements of the Act, justified by science and good practice.

As a general comment pig farming is disproportionately associated with prosecutable offences.

We believe further review is required.

*Question 11: Should any of the proposed regulations, set out in Part B, include a mental element (e.g. intention, knowledge or recklessness)? If so are the penalties for a prosecutable offence under regulation (see Table 2) appropriate for the regulated activity?*

Our view is that in all cases a mental element (e.g. intention, knowledge or recklessness) is appropriate. This is supportive of New Zealand's animal welfare strategy which highlights that animal welfare is everyone's responsibility, and MPI's current VADE (Voluntary, Assist, Direct, Enforce) compliance model. Education is a necessary platform, and likely to have longer term effect.

*Question 12: What defences do you think should be available if the proposed regulations are breached and why?*

AND:

*Question 13: Would it be appropriate to expand the second defence above to include "...necessary for the preservation, protection, or maintenance of human or animal life."?*

We strongly support extension of the defences proposal as follows (amendment shown in bold):

*It is proposed that the following defences be made available to a defendant to prove on the balance of probabilities:*

- *the defendant took all reasonable steps to comply with the relevant provision; or*
- *the act or omission constituting the offence took place in circumstances of stress or emergency and /or was necessary for the preservation, protection, or maintenance of human **or animal health and welfare.***

In addition, animal welfare regulation obviously must be able to be complied with all with all legal requirements. As well as meeting health and safety legal (and moral) provisions, meeting of environmental requirements also needs to be recognised.

*If so, in what circumstances, and which regulatory proposals would this apply to?*



An example is nose ringing / clipping of outdoor sows which is a condition applied to run pigs outdoors by some Councils, and which requires a surgical procedure.

Question 14: *Do any of the proposed regulations, set out in Part B, require a lead-in period? If so, what period is reasonable? Are there any other challenges relating to the timing of regulations coming into force?*

Please refer to our coverage of specific proposals in Section 4. For example, our recommendation is that for Proposal 27 Pigs – Size of farrowing crates, that the current minimum standard in the code is put in place. If this is to be extended, then the current status needs to be assessed, plus the cost and time required to change.

Question 15: *How should the codes of welfare be amended by the proposed regulations to ensure the codes continue to work effectively within the legislative scheme?*

AND:

Question 16: *Which of the approaches as outlined above, or combination of approaches do you support?*

AND:

Question 17: *What other options to amend the codes are there?*

We have not had the time to fully consult and consider feedback from our farmers and industry advisers to answer this question fully.

Our general view is that codes of welfare have a very important function because the provision of welfare requires far more than providing for those few aspects that it is technically feasible to set in regulation. Minimum standards in codes are very important because they are required to set the minimum necessary to ensure that the purposes of this Act will be met. In addition the Act sets out the consultation required for issue of a code.

Question 18: *How should MPI best engage with stakeholders to monitor and review the impact of the proposed regulations?*

In all cases where direct stakeholders have submitted concerns that proposals will have impacts that are difficult to align with current practice and / or will have an economic impact, a full assessment of the benefits and costs needs to be done before confirming the decision to implement the proposals.

Ongoing monitoring must of necessity involve direct collaboration with animal owners / persons in charge and their representative organisations. We will welcome the opportunity to work with MPI.

## 4. Care and Conduct Proposals

Our submission covers only proposals relevant to pigs.

1. All animals – Electric prodders	
Proposal	<p>Electric prodders may only be used on:</p> <ul style="list-style-type: none"><li>a) cattle over 100kg;</li><li>b) cattle over 100kg and other animals, in a circus where the safety of the handler is at risk; or</li><li>c) cattle over 100kg, and other animals, in a commercial slaughter premises:<ul style="list-style-type: none"><li>i. where the safety of the handler is at risk; or</li><li>ii. when loading a stunning pen.</li></ul></li></ul>

We request amendment to this proposal.

There is no scientific justification for this prohibition. A prodder well used by a trained operator instructed in its use is an effective tool to aid movement of a number of animals. It means that the animal that baulks further up the group can be encouraged to move rather than having to force animals at the back.

This limits any use of electric prodders on farm or transport for any pigs including during loading.

If the principle is to permit use on large, dangerous animals, then boars and sows need to be included. If the principle is to permit use for loading at a slaughterhouse then loading on-farm needs to be included.

The principle of potential to cause harm if inappropriately used could also be applied to other handling devices such as alkathene and steel pipes and electric fences.

### Recommendation – Proposal 1:

Amend the proposal as follows:

Electric prodders may only be used on:

- e) cattle **and other animals** over 100kg;
- f) cattle over 100kg and other animals, in a circus where the safety of the handler is at risk; or
- g) cattle over 100kg, and other animals, in a commercial slaughter premises:
  - iii. where the safety of the handler is at risk; or
  - iv. when loading a stunning pen.
- h) **other animals:**
  - iii. **where the safety of the handler is at risk;**
  - iv. **when loading.**

## 2. All Animals – Use of goads

<b>Proposal</b>	<b>Prohibit using a goad to prod an animal in the udder, anus, vulva, scrotum or eyes</b>  <i>Transport code of welfare 2011 definition of goad – an object, including an electric prodder, used to stimulate or prod an animal to make it move.</i>
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### Recommendation – Proposal 2:

We support the intent of this proposal.

## 24. Pigs – Dry sleeping area

<b>Proposal</b>	<b>Pigs must have access to a dry sleeping area.</b>  <i>Links to dog shade and dry sleeping area.</i>
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### Recommendation – Proposal 24:

We support the intent of this proposal.

Please note the number of complaints reported is not supported by MPI Animal Welfare Compliance figures. The discussion document states *An identified area of frequent non-compliance. On average 30 complaints per year investigated relating to muddy conditions and a lack of shelter. More than half of these are for small scale or lifestyle owners* (p 43). Figures from MPI Animal Welfare Compliance show that over the last 4 years (2012 – 2015) on average there have been 7.3 complaints per year in total in relation to conditions.

## 25. Pigs – Lying space for grower pigs

<b>Proposal</b>	<b>Grower pigs housed inside on non-litter systems such as slatted or solid floors must have lying space of at least: Area (m<sup>2</sup>) per pig = 0.03 x liveweight 0.67(kg)</b>
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We request amendment to this proposal.

The allometric equation relates space allowance to pig weight recognising that it is not a linear relationship but impacted by the body shape of the pig. That is, as the pig gets heavier its dimensions and therefore space requirements do not increase at the same rate as its bodyweight. (The formula therefore relates space to liveweight raised to the power of 0.67).

The factor (0.030) was proposed in work by Edwards et al (1) who assessed pig performance and profitability as a basis to provide recommendations for stocking on commercial farms. It was subsequently assessed by Spooler et al (2) across a range of floor types (slatted, and solid with and without straw) for its ability to provide for welfare when this minimum space was provided continually throughout the growing cycle. Spooler et al concluded that offering space above this minimum did not improve welfare in a measurable way (compared to the then EU recommendations which required greater space) and recommended the equation approach with a factor of 0.030 as appropriate for the EU in setting future legislative space requirements. Considerable research has also been done to assess the productivity (in addition to welfare) associated with greater space allowances across the growing cycle, but such work is not relevant to the setting of welfare standards.

Any regulation needs to refer to area or space allowance, not lying space, as per the Spooler research. The minimum standard in the Code of Welfare for Pigs (2005) referred to area; and space allowance or area was consulted on before the 2010 Code was issued. Lying space as a concept was not consulted on.

There are a number of points relevant to proposing a regulation in New Zealand:

- In practice, growing pigs will have considerably more space than whatever minimum space is specified, for most of their growing cycle. Good husbandry practice dictates that growing pigs are usually kept in the same group from weaning through to finishing, and during that time they will generally move through 3 accommodation stages - from weaner to grower to finisher. During this time they grow from around 8kg to 90+ kg in around 15 weeks.
- Each of these accommodation stages is specially designed to accommodate a particular age, stage of development and corresponding weight of pig. The point at which the pigs are approaching a size when they will be ready to be moved to the next accommodation stage, is the point at which a minimum space requirement may become a constraint. Once they are shifted on to the next stage of their growing cycle, stocking density will greatly reduce. In other words, in practice, there is a difference between the average space allowance across the growing cycle, and the minimum space allowance set.
- In contrast to actual farming practice, with generally 3 accommodation stages, Spooler et al's research provided an estimate of the minimum space allowance (calculated by the equation) continually across the whole growing cycle.

- However, Spoolder et al's estimate of the minimum space calculated by the equation was based on the estimated average weight at the mid-point of a number of 2 week periods. In other words, the space allowance provided was based on a series of average points set at 2-weekly intervals to reflect the continuous growing cycle of pigs. So within each 2-week period, the space provided was, approximately equally, slightly above and slightly below (about a week's growth) that estimated by the equation.
- Spoolder et al did not assess the welfare outcome associated with lesser space allowances.

In terms of its practical applicability as a regulation, it needs to be noted that commercial farms in New Zealand aim for the effective utilisation of available accommodation. In practice there will be some biological variation e.g. a particular week's farrowing may produce a larger number of viable piglets, or growth rates may be greater than the norm. The impact may be that minimum space allowances may be exceeded to a small extent to provide for these pigs.

As a principle, we are very cautious about the impact of selecting one single factor to regulate as a proxy for providing for welfare of grower pigs in indoor systems. There is a complex interaction of many different factors, including genotype, nutrition, health, ambient temperature, ventilation, pen design, group size, and access to feed and water. Too much space for weaners is likely to have a deleterious chilling effect; and for growers may lead to a hygiene issue where pigs use the wrong area to defecate and urinate making the pen wet.

We are particularly cautious about the impact of 'single factor' regulation where the penalty is so significant. The very limited time provided for consultation has not allowed us to do any assessment of the impact of this proposed regulation on the industry e.g. the likelihood of slippage by a few days within the whole growing period.

#### Other systems

Deep litter straw or sawdust systems require greater space allowance per pig compared to slatted and solid floors as this system requires the dung and urine to be processed in the bedding. Deep litter systems are not all the same and there is no definitive research establishing a minimum space allowance below which welfare is compromised in all such systems.

#### Questions in regard to the identified problem and how the proposed regulation will help

How does the statement '*Will provide a proportionate response for **low-level** (emphasis from NZPork) outcomes from overcrowding*' align with the very severe penalty proposed for this regulation?

Please note the number of complaints reported is not supported by MPI Animal Welfare Compliance figures. The number of complaints reported does not reflect the actual figures. Figures from MPI Animal Welfare Compliance show that over the last 10 years (2006 – 2015) there has been an average of has been an average of 25 complaints per year not 120.

#### Recommendation – Proposal 25:

Amend the proposal as follows:

**Grower pigs housed inside on non-litter systems such as slatted or solid floors must be provided with an area of, on average, at least: Area (m<sup>2</sup>) per pig = 0.03 x liveweight 0.67(kg).**

References:

1. Edwards, S.A., and A.W.Armsby. Effects of floor area allowance on performance of growing pigs kept on fully slatted floors. *Anim. Prod.* 1988. 46:453 - 459.
2. Spoolder, H. A. M., S. A. Edwards, and S. Corning. Legislative methods for specifying stocking density and consequences for the welfare of finishing pigs. *Livestock Production Science* 64 (2000) 167 – 173.

## 26. Pigs – Dry sow stalls

<b>Proposal</b>	<b>Dry sow stalls must not be used.</b>
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### Recommendation – Proposal 26:

We support the intent of this proposal.

We support the definitions of dry sow stall and mating stall given above, which are the definitions in the Code of Welfare for Pigs issued in 2010.

The EU position is to permit dry sow stalls for the first four weeks of pregnancy and makes no comment at all on the use of mating stalls. A small number of individual EU countries set clearer provisions (e.g. Sweden, the Netherlands). North America (Canada and United States – all major pig producing States) permit the use of stalls throughout pregnancy and for mating.



## 27. Pigs – Size of farrowing crates

<b>Proposal</b>	<b>Prohibit keeping a sow in a farrowing crate where the sow cannot avoid touching the top of the crate, or touching both sides of the crate simultaneously, or touching the front and the back of the crate simultaneously.</b>
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We request amendment to this proposal.

We support the words in the current code: *When standing in a farrowing crate the sow must not touch both sides of the crate simultaneously, and her back must not touch any bars along the top* being set as a regulation.

We do not support the proposal as stated because it sets a higher requirement than the current minimum standard.

We would need time to consult with farmers to establish the extent to which new facilities would be required to meet this proposal. A lagged introduction may be required.

Pig farmer have been uncertain about farrowing systems since mid- 2014 when the Minister announced he was seeking NAWAC to review farrowing crates. A number of farmers have deferred maintenance and upgrade of their systems until the review was announced.

We strongly seek amendment due to the very high penalty proposed.

### Recommendation – Proposal 27:

Amend the proposal as follows:

**When standing in a farrowing crate the sow must not touch both sides of the crate simultaneously, and her back must not touch any bars along the top.**

## 28. Pigs – Provision of nesting material

### Proposal

**Sows, in any farrowing system constructed after 3 December 2010, must be provided with material that can be manipulated until farrowing.**

We do not support this proposed regulation.

### Evidence of welfare benefit

Part of some sows' pre-farrowing behaviour exhibits elements of nest building. As with most behaviours, there is variation in the extent to which sows are motivated to build a nest.

In New Zealand sows have been selected for over 40 generations for their ability to thrive in modern farrowing systems. The research is variable on the net welfare benefit for modern sows associated with expressing this need in current farrowing systems. There is evidence of adaptation to farrowing in crates: for example, there is some evidence illustrating sows in crates spend less time attempting nest building with increasing parity.

There is still no clear idea of how much material is 'enough' to be beneficial to the sow (1). Also, sows that exhibit this behaviour are highly variable in how much material, if any, they manipulate. Modern farrowing systems are on slatted floors and open at floor level, so that any manipulable material is likely to disappear quickly, either through the slats or out of the sow's reach.

Many design elements of the modern system contribute to piglet welfare including the provision of a heated, warm and dry 'creep' area for the piglets so that the piglets are not reliant on a nest for warmth. The provision of manipulable material to modern systems can compromise hygiene which is crucial for piglet survival. The effluent management systems which are a component of modern facilities would not be able to deal with appreciable amounts of manipulable material.

Note that while the concept of nesting material is supported in EU regulation it is qualified as follows:

*In the week before the expected farrowing time sows and gilts must be given suitable nesting material in sufficient quantity unless it is not technically feasible for the slurry system used in the establishment.*

### Current situation in New Zealand

This proposal was included as a minimum standard in the 2010 Pigs Code of Welfare with no consultation as a proposed minimum standard with industry, which are the stakeholders directly and significantly impacted.

Since then, the 2014 – 2016 NAWAC review of farrowing crates has concluded that *their use provides the best welfare outcome for the welfare needs of piglets and the best total welfare of piglets and sows, based on currently available farrowing practices and scientific knowledge and as appropriate to the environment and circumstances of the animals.*

## Questions in regard to the identified problem and how the proposed regulation will help

We do not agree with the statements:

- *An identified area of frequent non-compliance.* Since December 2010, there have been only 2 new farrowing systems constructed.
- *Will provide a level playing field for all New Zealand pork producers.* This proposal will not – it will place an additional burden on newly constructed facilities.
- *Will provide stronger assurances about how New Zealand's pigs are treated.* Stronger assurances of New Zealand's animal welfare standards will be provided if standards can be provided in a meaningful way by good practice farmers – see research update below.

## Update on current research

International research is active and ongoing to determine the welfare benefits of a suitable manipulable substrate provided within modern fully slatted farrowing systems, and if so, how this can be provided.

NZPork is a Core Participant in the Australian Pork Cooperative Research Centre (CRC). The Pork CRC Programme 1 covers research to develop innovative sow and piglet management and housing systems that progressively rely upon less confinement to optimise sow and piglet welfare while maintaining production efficiency and profitability of pork production. Within this programme a 'Lactation Housing Index' is being developed which will aim to qualitatively and, preferably, quantitatively compare various lactation housing systems.

The Pork CRC has a project to investigate enrichment pre farrowing currently underway (2). ThisThis will provide a comprehensive comparison of systems, taking into account:

- Sow attributes (welfare from both a physiological and behavioural aspect, body condition, feed intake and reproductive performance)
- Piglet attributes (welfare from both a physiological and behavioural aspect, growth performance and mortality)
- Producer attributes (investment cost, labour requirement and staff safety issues)

## Recommendation:

Our recommendation is that this proposal is not progressed as a regulation until evidence is provided that manipulable and/or malleable material can be provided in current commercial farrowing systems in New Zealand, in a way that improves the sow's net welfare, does not compromise other welfare elements including hygiene and piglet survival, does not compromise effluent management systems, it has been consulted on, and the full cost implications for commercial implementation has been assessed.

## References:

1. Damm, B.I., L.T. Pedersen, T. Heiskanen, N.P. Neilsen. Long-stemmed straw as an additional nesting material in modified Schmid pens in a commercial breeding unit: effects on sow behaviour, and on piglet mortality and growth. *Applied Animal Behaviour* 92 (2005) 45 – 60
2. Pork CRC Annual Report: 2014-2015 (Pages 20 and 24)

## Transport: Proposals 34, 38, 39 and 40

### 34. Stock transport – Cuts and abrasions

<b>Proposal</b>	<b>Transport of cattle, deer, sheep, goats, and pigs must not result in cuts or abrasions.</b>
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### 38. Stock transport – Lameness due to injury

<b>Proposal</b>	<b>A cattle beast, deer, pig, or goat that has a lameness score of two must not be transported, except when certified fit for transport by a veterinarian.</b> <b>A cattle beast, deer, pig, or goat that has a lameness score of three must not be transported.</b>
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### 39. Stock transport – Animals that cannot bear weight evenly due to injury

<b>Proposal</b>	<b>A cattle beast, sheep, deer, pig, or goat that has suffered a physical injury or defect that means it cannot bear weight evenly on all four legs should not be transported, except when certified fit for transport by a veterinarian.</b> <i>Note this proposal relates to lameness due to an injury rather than disease.</i>
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### 40. Stock transport – Pregnant animals

<b>Proposal</b>	<b>Prohibit transporting a cattle beast, sheep, deer, pig, or goat that is likely to give birth during transport, or within 24 hours of arrival at a commercial slaughter premises, except when certified fit for transport by a veterinarian.</b>
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We support the intent of these proposals, with the proviso that the same relatively minor degree of lameness as for Proposal 38 is included in Proposal 39.

The New Zealand commercial pork industry operates under the umbrella of PigCare™, which incorporates 'Fit to Load' guidelines developed in association with MPI VS, Pig Veterinary Society of NZVA, and farmers. See:

[http://www.nzpork.co.nz/images/custom/fit\\_for\\_transport\\_guidelines\\_19\\_dec\\_2012.pdf](http://www.nzpork.co.nz/images/custom/fit_for_transport_guidelines_19_dec_2012.pdf)

These guidelines cover farmers' selection responsibilities. Transporters are responsible for injuries in transport. We see ensuring seamlessness of this process, including unloading, requires ongoing monitoring.

#### Recommendation:

Proposal 39 is amended to permit the same relatively minor degree of lameness as for Proposal 38.

## 5. Pain relief

We have consulted with industry veterinarians in respect of these general questions and specifically in relation to the proposals for Surgical & Painful Procedures regulations for pigs (covered in the next section of our submission.)

The only specific proposal for regulation that requires a veterinarian to authorise a non-veterinarian to hold and use pain relief is Proposal 81, to allow for farmers breeding pigs outdoors to undertake tail docking at weaning if this is their practice for staff safety reasons. This current practice operates under the VOI framework.

However given large numbers of pigs on some commercial farms there is a potential need for pain relief to be stored and available on-farm for some minor surgical procedures where pain relief is recommended. This current practice is also covered by the VOI framework.

If such good practice operation is not enabled under the amendments to the Act, then we request the opportunity to discuss this area further with MPI before the changes to the Act take effect.

Significant surgical procedures are currently undertaken by vets who use post-operative pain relief where necessary.

### Recommendation:

We request that current good practice availability of pain relief on-farm under VOI continues under the new regime. If this is not the case, we request further discussions with MPI before such changes to the Act take effect.

## 6. Surgical & Painful Procedures proposals

55. All animals – Dental work	
<b>Proposal</b>	<b>Any power tool used on an animal for dental work must be designed for the purpose of dentistry.</b>  <i>Power tools are used in some dentistry procedures, for example, grinding float teeth in horses.</i>

Recommendation – Proposal 55:

We support the intent of this proposal.

## 80. Pigs – Castration

<b>Proposal</b>	<b>Must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian.</b> <b>Pain relief must be used at the time of the procedure.</b>
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We support this proposal in New Zealand's current pig production environment because surgical castration is not undertaken. However the great majority of pigs produced internationally are castrated among other reasons to meet product quality demands from consumers.

As veterinary capacity could not possibly cover all commercial farms on a routine basis, if the market place demanded surgically castrated pigs then we would seek a regulation to be put in place to enable suitably trained and competent farmers to undertake this procedure with pain relief under VOI.

### Recommendation – Proposal 80:

We support this proposal currently, noting the proviso to seek to amend this regulation if required.

## 81. Pigs – Tail docking

<b>Proposal</b>	<b>Tail docking (under 7 days):</b> <ul style="list-style-type: none"><li>– <b>May be undertaken by anyone.</b></li><li>– <b>The procedure must create a clear cut and not tear or crush the tissue.</b></li></ul> <b>Tail docking (over 7 days):</b> <ul style="list-style-type: none"><li>– <b>Must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian.</b></li><li>– <b>Pain relief must be used at the time of the procedure.</b></li></ul> <i>Tail docking is performed to reduce the incidence of tail biting.</i>
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We request amendment to this proposal in 2 ways:

- Amend the proposal to remove the prohibition on crushing the tissue. Good practice procedures should create a clear cut and not tear tissue but a slight crushing effect may be advantageous for reducing haemorrhage from the cut surface.
- Amend the proposal so that tail docking of pigs over 7 days of age may be undertaken in certain outdoor breeding farming situations.

Sows are particularly aggressive in protecting their newborn piglets and some farmers who breed outdoors undertake tail docking at weaning time (around 4 weeks of age) to ensure they meet their health and safety obligations to staff. In such cases the procedure is under VOI including the application of pain relief.

### Recommendation – Proposal 81:

Amend the proposal as follows:

Tail docking (under 7 days):

- May be undertaken by anyone.
- The procedure must create a clear cut and not tear the tissue.

Tail docking (over 7 days):

- Must be performed by a veterinarian or a veterinary student under the direct supervision of a veterinarian; **or by a person operating under veterinary operating instructions where it is not practical to undertake under 7 days of age;**
- Pain relief must be used at the time of the procedure.



## 7. Surgical and Painful Procedures Regulatory Proposals – additional inclusions

We request the development of regulations on three additional husbandry procedures: nose ringing / clipping, boar tusk trimming and needle teeth clipping, if this is required, to ensure that current good practice procedures can continue.

- **Nose ringing**

Where pigs are run outdoors nose rings, clips or wires are generally necessary for environmental reasons to maintain ground cover and to reduce nutrient runoff and leaching. Nose ringing also reduces fence breaking by sows. Some District Councils require the use of nose rings, clips or wires as a condition for keeping pigs out-doors. For these reasons, around 90% of outdoor sows have nose rings or clips.

NZPork has developed guidelines for the use of nose rings, clips and wires (refer: [http://www.nzpork.co.nz/images/custom/nose\\_rings\\_good\\_practice\\_guidelines.pdf](http://www.nzpork.co.nz/images/custom/nose_rings_good_practice_guidelines.pdf))

Sows can lose their nose rings, clips or wires so farmers need to be able to replace as required.

We request the inclusion of a regulation as follows:

**Nose ringing must be performed by a person operating according to NZPork’s good practice guidelines or to veterinary operating instructions.**

Pain relief is not recommended. This is on the grounds of net welfare and staff safety. While nose ringing /clipping is likely to cause some pain, the restraint of the pig is particularly stressful but necessary to undertake the procedure. If 2 procedures are required (injection of local anaesthetic as well as nose ringing itself) restraint is prolonged and the shorter the period of restraint the greater the welfare. In addition it is a particular challenge to restrain a large animal and manage an injection safely.

- **Boar tusk trimming**

Boars can be aggressive and unpredictable. Tusk trimming is not routinely done on all farms but is undertaken where required for staff safety reasons and to ensure that boards with tusks do not injure other boars.

This is unlikely to be a painful procedure as current knowledge indicates that there is no nerve supply to the tusk above the gum line. But as for nose ringing it involves restraint which is stressful.

If boar tusk trimming is likely to be classified as a significant surgical procedure, then we request the inclusion of a regulation as follows:

**Boar tusk trimming must be performed by a person operating under veterinary operating instructions.**

- **Needle teeth clipping**

Needle teeth clipping is not routinely done but is undertaken when necessary on welfare grounds when damage is evident on litter mates’ faces and / or the sow’s udder.

If needle teeth clipping is likely to be classified as a significant surgical procedures then we request that the current minimum standard in the code is set as regulation:

**Clipping or grinding of needle teeth must be carried out before 5 days of age.**