

Ohio Against
Constitutional
Takeover

OHIO ACT
NO
ON # 2

Don't let special interests hijack the constitution!



Ohio Issue 2: Cementing Corporate Agribusiness into the Ohio Constitution



Issue 2 on the November ballot is an industry attempt to change the Ohio state constitution, establishing a “Livestock Care Standards Board” that would have unchecked power to establish standards for livestock and poultry. Technically the product of the Ohio General Assembly, the ballot issue is heavily backed by groups representing major agribusiness interests, including the Ohio Farm Bureau and The Ohio Pork Producers Council.¹ While masquerading as an attempt to improve food safety and animal welfare, Issue 2 in reality is an attempt by big industry to preempt statewide initiatives like the recent Proposition 2 in California,² which phased out problematic animal production practices like battery cages for chickens. In effect, the proposed Livestock Care Standards Board would give a dozen political appointees broad and unchecked power to decide rules on animal welfare, potentially reshaping regulations on how animals are raised, tracked or traced.

Constitutional Amendment

The most serious concern over this ballot initiative is that it is not simply a new law, but an amendment to the Ohio state constitution, a point the Ohio Farm Bureau and other groups supporting Issue 2 downplay.³ The Livestock Care Standards Board, once cemented into the state constitution, would have the power to override any act by the Ohio Department of Agriculture or the state legislature, or any other initiative or referendum brought before the Ohio public other than an additional constitutional amendment. In effect, this means that any standard created by the Board is a final decision, giving it unchecked power over animal agriculture.

What Would the Board Control?

The proposed Board would carry out its duties under a far-reaching directive that states, “[t]he Board shall have authority to establish standards governing the care and well-being of livestock and poultry in this state[.]”

This vague power directive would cover any and all policies in the state related to animals in agriculture, affecting not just welfare concerns but a wide variety of animal-related issues including the regulation of organic meat production, animal identification, and concentrated animal feeding operations, also known as factory farms. The standards the board makes could favor one method of production over another based on the undemocratic decisions of a



dozen political appointees. This could mean implementing standards that would make raising food in an organic or sustainable manner excessively expensive or burdensome, driving small farmers out of business and hurting local economies.

Unchecked Power

Currently, animal agriculture is regulated by the Ohio Department of Agriculture, which makes rules through a formal process that requires public input.⁴ This is not true for the Board. Issue 2 establishes a board that would make decisions independent of public input, with no review or



evaluation, no forum for public comment, and no ability to appeal the decision. The Board's decision is final.

Undemocratic Board

Though the amendment appears to create a board representing a wide variety of interests, a closer look at the actual language reveals that in reality this is not the case.

According to the amendment, the appointed board consists of 13 members. The governor's appointed director of agriculture would join 10 other governor-appointed members and two members chosen by the Speaker of the House and the President of the Senate—putting an enormous amount of power in the hands of a dozen political appointees and making this Board susceptible to partisan abuse.⁵ Additionally, there are no rules regarding the length of the terms of the Board members, further amplifying the undemocratic nature of the membership.⁶

While the board would have limits on the number of members allowed from any one political party, set at seven members, it is unlikely that this limit would keep political influence in check. In all likelihood a simple seven-person majority would suffice to pass rules on the Board, which means that a single political party could use the Board to push its agenda.

The Family Farmer Fallacy

While Issue 2 requires the membership of several "family farmers" on the Board, this cannot be seen as a safeguard to prevent the panel from being overtaken by corporate agribusiness and factory farming interests. While there is no legal definition for a family farmer in the U.S., the United States Department of Agriculture has stated that 98% of all farms in the U.S. are technically family farms.⁷ Many factory farms, for example, are operated through what would be considered "family farms."⁸

Ohio has a disconcerting number of factory farms—and that number could increase if an industry-led Board decides to ease regulations on animal production. According to the Ohio EPA, the state has close to 200 factory farms, including four beef operations with more than 3000 animals, 27 hog operations with more than 3000 animals, 29 dairy operations with more than 1000 animals, and a staggering 98 poultry and egg-laying operations with more than 100,000 birds each, including 9 with more than a million birds.⁹

Keep Special Interests out of the Constitution

Changing the Ohio constitution to include the "Livestock Care Standards Board" would set a dangerous precedent by creating a permanent place for special interests in the constitution. This Board would have unchecked power over all Ohio policies related to animals in agriculture, and could radically shift livestock standards in any direction. Agricultural policy should be determined through an open, democratic process, vested in the state-run department of agriculture, not through a politically appointed board heavily influenced by big industry. Ohioans should reject this proposal to keep integrity in Ohio's constitution and to keep corporate agribusiness accountable.

Endnotes

- 1 Ohio Farm Bureau. Press release. "Farm Bureau supports ballot measure on livestock care." June 22, 2009; Ohio Pork Producers Council. Press release. "Media Statement." June 22, 2009.
- 2 Ohioans for livestock care. "Issue 2: Overview." Available online at http://www.ohiolivestockcare.com/index.php?option=com_content&view=article&id=59&Itemid=61 and on file.
- 3 See no mention of "Constitution" in Ohioans for livestock care. "Issue 2: Overview." Available online at http://www.ohiolivestockcare.com/index.php?option=com_content&view=article&id=59&Itemid=61 and on file.
- 4 Ohio Rev. Code § 119.03(C) (2009).
- 5 Ohio Rev. Code § 121.03(D) (2009); 2009 Ohio Laws Senate Joint Resolution 6 §1(A)(2).
- 6 2009 Ohio Laws Senate Joint Resolution 6 §1(D).
- 7 Hoppe, Robert A. et al. United States Department of Agriculture, Economic Research Service. "Structure and finances of U.S. farms: Family farm report, 2007 edition." June 2007 at 5.
- 8 MacDonald, James, and McBride, William. United States Department of Agriculture, Economic Research Service. "The transformation of U.S. livestock agriculture." January 2009 at 5.
- 9 Ohio Environmental Protection Agency, "Map of permitted livestock facilities in Ohio," prepared June 13, 2008, available online at http://web.epa.state.oh.us/dsw/cafo/FacilityLocations_8x14_061308a.pdf and on file.

