

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

MAURA HEALEY
ATTORNEY GENERAL

(617) 727-2200
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www.mass.gov/ago

Notice is hereby given that the Office of the Attorney General affords interested persons an opportunity to present data, views or arguments regarding the establishment of 940 C.M.R. 36.00, the Regulations Implementing the Act to Prevent Cruelty to Farm Animals.

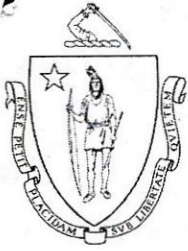
- a) The regulatory authority for such action is Chapter 333 of the Acts of 2016, An Act to Prevent Cruelty to Farm Animals.
- b) The regulation establishes procedures for implementing the provisions of Chapter 333 of the Acts of 2016, as enacted, to prevent animal cruelty by phasing out extreme methods of farm animal confinement and the sale of products produced from animals confined in such manners. The regulation clarifies the obligations of producers and retailers of covered shell eggs, veal meat, and pork meat in the Commonwealth and outlines the authority of the Office of the Attorney General to investigate and enforce violations.
- c) The proposed regulation will be on the Office's website:
<http://www.mass.gov/ago/regulations>. The proposed regulation may also be requested by calling the Policy and Government Relations Division at 617.963.2700.
- d) A public hearing will be held on Tuesday, August 3, 2021 from 10:00 am to 1:00pm. Information to attend will be posted on: <https://www.mass.gov/info-details/regulations-implementing-the-act-to-prevent-cruelty-to-farm-animals-940-cmr-3600>.
- e) Comments may be submitted electronically or in writing.

Electronic comments should be submitted to agoregulations@mass.gov, and include a reference to "Farm Animal Confinement Regulations" in the subject line.

To submit comments in writing, comments may be mailed to:

Joela Qose
Senior Policy Coordinator
Attorney General's Office
1 Ashburton Place
Boston, MA 02108
617.963.2700

- f) Comments must be submitted by 5:00PM on August 3, 2021.



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May 28, 2021

The Honorable William F. Galvin
Secretary of the Commonwealth of Massachusetts
Regulations Division
State House, Room 117
Boston, MA 02133

RE: Proposed Regulation 940 CMR 36.00

Dear Secretary Galvin:

Pursuant to G.L. c. 30A, § 2, agencies promulgating new regulations must submit a Small Business Impact Statement ("Statement") for inclusion with the record of the regulations. Our office submits the following Statement for 940 MR. 36.00: Regulations Implementing the Act to Prevent Cruelty to Farm Animals.

Proposed 940 CMR. 36.00 is mandated by Chapter 333 of the Acts of 2016, An Act to Prevent Cruelty to Farm Animals. The regulation establishes procedures for implementing the provisions of Chapter 333, preventing animal cruelty by phasing out extreme methods of farm animal confinement and the sale of products produced by animals confined in such manners. The regulation clarifies the obligations of producers and retailers of covered shell eggs, veal meat, and pork meat sold in the Commonwealth and outlines the authority of the Office of the Attorney General ("Office") to investigate and enforce violations.

1. Estimate the number of small businesses subject to the proposed regulation.

The proposed regulation provides uniform procedures to implement the substantive mandates of Chapter 333 of the Acts of 2016, to prevent animal cruelty through farm animal confinement via annual certification of compliance by producers of covered animal products sold in Massachusetts and procedures for investigation and enforcement of false certifications.

Proposed Regulation 940 CMR 36.00
Small Business Impact Statement

The Office has identified industries in Massachusetts that may be affected by proposed 940 CMR 36.00. The Office relies on the North American Industry Classification Systems (NAICS) standards in making this assessment. The Office anticipates that the proposed regulation could potentially affect businesses within the following industries (and NAICS codes): Chicken Egg Production (112310), Beef Cattle Ranching and Farming (112111), Hog and Pig Farming (112210), Supermarkets and Other Grocery (445110), Convenience Stores (445120), Meat Markets (445210), General Line Grocery Merchant Wholesalers (424410), Poultry and Poultry Product Merchant Wholesalers (424440), and Meat and Meat Product Merchant Wholesalers (414470).

2. What are the projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation?

Projected reporting, recordkeeping and other administrative costs required for compliance are negligible. The proposed regulation provides that any farm or farm owner or operator that falls under the purview of the law and regulation may certify annual compliance and must keep records of compliance for three years.

Any person who engages in the sale of covered products must also keep all records relating to compliance with the regulations for three years.

3. Detail the appropriateness of performance standards versus design standards.

Neither performance standards nor design standards are applicable to the proposed regulations.

4. Identify the regulations of the promulgating agency, or of another agency or department of the Commonwealth, which may duplicate or conflict with the proposed regulation.

The Attorney General's Office is the sole agency that promulgates regulations pursuant to Chapter 333 of the Act of 2016, An Act to Prevent Cruelty to Farm Animals. The proposed regulation incorporates references to the Department of Public Health's 105 CMR 500.003 in two definitions, but does not duplicate or conflict with that existing regulation.

5. Analyze whether the proposed regulation is likely to deter or encourage the formation of new businesses in the Commonwealth.

These Regulations are unlikely to deter or encourage the formation of new businesses in the Commonwealth.

Proposed Regulation 940 CMR 36.00
Small Business Impact Statement

I submit this Small Business Impact Statement on behalf of the Attorney General pursuant to the requirements of G.L. c. 30A, § 2.

Sincerely,



Alicia Rebello-Pradas
Assistant Attorney General
Chief, Policy & Government Relations Division
Office of the Attorney General
617.963.2057