

PERSONNEL AND ANIMAL WELFARE COMMITTEE REPORT and relative to prohibiting the manufacture and sale of fur products in the City of Los Angeles.

Recommendations for Council action, as initiated by Motion (Blumenfield - Koretz - O'Farrell):

1. REQUEST the City Attorney to prepare and present an Ordinance to which would prohibit the manufacture and sale of fur products, including apparel made in whole or in part of fur, or any fashion accessory, including but not limited to handbags, shoes, hats, earmuffs, jewelry, and key chains made in whole or in part of fur, with exceptions for the sale of used fur products with a phasing-out period of 24 months from the effective date of the Ordinance.
2. REQUEST the City Attorney to report in regard to the following in connection with a fur ban as described above in Recommendation No. 1:
 - a. Utilization of fur apparel by religious organizations and related religious aspects and potential exemptions.
 - b. Prohibiting the sale of faux fur that utilizes the fur of an animal(s) and methods to certify the origin of said faux fur.
 - c. Potential conflicts with Federal and State laws as they relate to the sale of fur products derived from legally trapped animals.

Fiscal Impact Statement: Neither the City Administrative Officer nor the Chief Legislative Analyst (CLA) has completed a financial analysis of this report.

Community Impact Statement: None submitted.

Summary:

On August 1, 2018, your Committee considered a Motion (Blumenfield - Koretz - O'Farrell) relative to prohibiting the manufacture and sale of fur products in the City of Los Angeles. According to the Motion, more than fifty million animals including foxes, chinchilla, minks, raccoon, dogs and rabbits are killed for their fur every year. According to the World Society for the Protection of .Animals, eighty-five percent of these animals are raised and killed on factory fur farms. The fur industry is one that has consistently been associated with inhumane practices. Animals who are cultivated solely for their fur spend their lives in cramped cages and are subject to deplorable living conditions. These animals are then killed in inhumane ways to preserve the quality of the pelt above all else. Common practices include gassing, electrocution, suffocation and neck breaking. Electrocuting fur-bearing animals anally and genitally is a slaughter method used frequently in the industry to limit damage to the fur. New York is the only state where this is illegal. Commonly, animals are stunned before they are skinned but some remain conscious during the process- at times still breathing after they are skinned.

After consideration and having provided an opportunity for public comment, the Committee moved to continue the matter pending a report-back from the CLA in regard to :

1. What economic impacts (with respect to businesses, jobs, and revenues) will result from the ban?
2. Why do other localities exempt for harvested from trapped animals from their bans?
3. What other local jurisdictions have banned for products, and what is the nature of these bans?
4. How can the City enforce a for ban, and how costly would enforcement be?5.
5. How will this affect the City's religious communities, for example shtreimel (for hats worn in Orthodox Jewish communities)?6.
6. Is there a way to address real for that is advertised and sold as artificial for?

Subsequently, on August 15, 2018, the Committee further considered this matter along with an August 6, 2018 CLA report. According to the CLA, local jurisdictions that have banned for product sales have exempted dog and cat for because of already existing federal and state prohibitions. Federal law prohibits the possession, sale, and purchase of cat and dog for products. The Federal Dog and Cat Protection Act of 2000 makes it unlawful to import into, or export from, the United States any dog or cat for product; or to engage in interstate commerce, sell, offer to sell, trade, advertise, transport, or distribute in interstate commerce any dog or cat for product. Any person who violates this Act may be assessed a civil penalty up to \$10,000 per violation. Additionally, California Penal Code section 598a makes it a misdemeanor to possess, import into the state, sell, buy, give away or accept any pelt of a dog or cat with the sole intent of selling or giving away the pelt of the dog or cat.

The CLA then responded to the Committee's questions as follows:

1. What economic impacts (with respect to businesses, jobs, and revenues) will result from the ban?

The Office of Finance does not keep track of fur sales specifically, but according to the 2012 Economic Census, the total retail sales for the product category "Furs and Fur Garments" was \$0.36 billion in California. The State Board of Equalization reports that statewide taxable sales of all outlets, including "Furs and Fur Garments," totaled \$558.39 billion in 2012. In order to mitigate the economic impacts to fur retailers, San Francisco will provide a one-year cushion after the ban takes effect to sell any fur products that they purchased prior to the ordinance adoption date.

2. Why do other localities (such as West Hollywood) exempt fur harvested from trapped animals from their bans?

West Hlollywood, Berkeley, and San Francisco all have similar exclusions in their fur ban ordinances to allow the sale of fur products made from trapped animals. These

exemptions are necessary because a state Superior Court judge found West Hollywood's fur ban ordinance to be in conflict with the California Fish and Game Code, Section 3039(b), which allows the purchase and sale of products or handicraft items made from furbearing mammals and nongame mammals lawfully taken under the authority of a trapping license. In order to address this exclusion the California Fish and Game Code would need to be amended to allow for more local control over the permissibility of the sale of pelts collected from trapped furbearing mammals.

3. Are there any other local jurisdictions presently working to ban fur products?

West Hollywood, Berkeley, and San Francisco have banned the sale of fur products, but each of their ordinances have different features. Attachment A of the August 6, 2018 CLA report, attached to the Council file, on this report provides an overview of these Ordinances, specifically where they agree and where they differ with regard to their definitions of "fur," "fur products," their prohibitions, and the specified exemptions to the penalties. West Hollywood banned "fur apparel products" in 2011, and their ordinance was amended in 2013 for two reasons: to account for the aforementioned California Fish and Game Code conflict, and to expand the ban to include the display of fur products for sale. The latter amendment was necessary because some boutiques were continuing to display and advertise the sale of fur items and directing interested customers to alternate locations outside of West Hollywood to mediate the purchase of the fur items. The West Hollywood ban does not apply to purses, jewelry and pocketbooks. However, the West Hollywood ban is the only one of the three that also bans lambskin and sheepskin products. Berkeley's fur ban ordinance was passed in April 2017. Berkeley's fur ban applies to "any article of wearing apparel made in whole or in part of fur," which could include apparel accessories that are exempted from West Hollywood's ban. Staff has contacted the Berkeley City Attorney for clarification on the breadth of products covered by the ban. San Francisco passed their fur ban ordinance in March of 2018, and is set to take effect on January 1, 2019. San Francisco's ordinance is very similar to Berkeley's in its definitions, although it provides specific non-limiting examples of what kinds of goods constitute fur products.

4. How can the City enforce a fur ban, and how costly would enforcement be?

San Francisco's fur ban will be enforced by their Department of Public Health. They plan to send letters out to relevant vendors explaining the ordinance, and to enforce primarily through public complaints. After a public complaint is filed, a technician will go to the vendor to verify the code violation. One particularly difficult feature of enforcing the ban will be the allowance of products made from trapped fur, as mandated by the California Fish and Game code. The City of Los Angeles would have to come up with a verification process to ensure that fur products are made from fur harvested from animals that were trapped legally within the State of California. The San Francisco Department of Public Health plans to require vendors to present invoices of their fur source, if a complaint is filed.

5. How will this address the City's religious populations, for example fur shtreimePShtreimel, spodik, and kolpik are types of hats worn by some Jewish men, particularly Hasidic men during a variety of occasions, with shtreimels being the

most common.

The State of Israel has tried to ban fur several times, with its recent efforts exempting religious objects from fur bans. Many people seeking to wear shtreimels in Israel opt for synthetic fur due to the climate. Conflicting claims come from various Orthodox groups, with some opting to eschew the traditional real fur shtreimel in favor of synthetic fur as a matter of religious imperative not to harm animals, while other groups hold that real fur is an essential feature of the shtreimel. No other localities have designated religious objects as free from the exemptions, but all of them allow non-profit organizations to engage in the sale of used objects.

6. Is there a way to address mislabeled faux/artificial fur (from raccoon dogs, rabbits, coyotes, etc.) in the ban or moving forward?

Numerous retailers have been found mislabeling products made with fur from raccoon dogs (labeled as 'Asiatic Raccoon' under Federal regulations), rabbits, foxes, coyotes, minks, and other species as faux/artificial fur in their stores. While this is an ongoing problem, mislabeling fur products is already illegal under federal law. The Federal Fur Products Labeling Act (15 U.S.C. Sections 69, et seq.) makes it unlawful to introduce, or manufacture for introduction, into commerce, sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product which is misbranded or falsely or deceptively advertised or invoiced. The Federal Trade Commission has found several retailers in violation of the Federal Fur Products Labeling Act, and fined them accordingly. If the City of Los Angeles were to proceed with banning the sale of fur products, the main policy decisions at hand are: whether to include sheepskin and lambskin shearling in the definition of fur, what constitutes a fur product (which is provided in the Motion), and what specifically will be prohibited. The other localities chose to ban the display of fur products to be sold in neighboring localities, which seems consistent with the spirit of the ban, but other issues remain. For example, the San Francisco Public Health Department has decided to allow customers to have fur items purchased online and shipped to a store within San Francisco for pickup. Additionally, a well-defined appeal process would be necessary.

After consideration and having provided an opportunity for public comment, the Committee moved to recommend approval of the Motion, as amended, and detailed in the above recommendations. This matter is now submitted to Council for its consideration.

Respectfully Submitted,

PERSONNEL AND ANIMAL WELFARE COMMITTEE



MEMBER VOTE

KORETZ: YES
PRICE: YES
ENGLANDER: YES

ARL
8/15/18

-NOT OFFICIAL UNTIL COUNCIL ACTS-