

# Ranchers win delay in cattle slaughter

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Molokai cattle ranchers yesterday won a last-minute reprieve that saves their animals from slaughter while the ranchers appeal a government program aimed at "depopulating" all island herds.

State agriculture officials, who had planned to start rounding up ranchers' cattle today, believe an islandwide slaughter is the only way to eradicate bovine tuberculosis on Molokai.

But the state backed off on its enforcement efforts after Circuit Judge Edwin Honda urged both sides to agree to a temporary halt pending the ranchers' expedited appeal.

"We still have a deep sense of urgency (to enforce the eradication program)," said Larry Zenker, a deputy attorney general representing the state Board of Agriculture. But he said the state had a choice of agreeing to the temporary halt or risking a lengthy appeals process that could take as long as six months.

According to the agreement worked out between the ranchers and the state, no action will be taken against the ranchers' herds pending the outcome of a hearing Aug. 28 before Honda.

State officials last week said they were anxious to complete the slaughter program, launched last fall, out of fairness to the 190 Molokai

ranchers who have cooperated with the TB eradication effort.

But ranchers fighting the slaughter contend their cattle are healthy, have never been exposed to bovine tuberculosis and thus do not need to be killed.

At the Aug. 28 hearing, attorneys for the ranchers will urge Honda to overturn a July 14 decision by the state Board of Agriculture to proceed with the controversial program.

The board made its decision after accepting the recommendation of an administrative hearings officer who deemed the program "reasonable and justified under state law."

The ranchers' attorneys now have the burden of proving that either the hearings officer erred in his recommendation or the board erred in its acceptance of the recommendation.

The state's agreement to delay enforcement of the slaughter order applies only to 21 Molokai ranchers who own 19 herds and collectively filed suit against the government last fall in an effort to exempt themselves from the program.

The state thus is free to proceed with the roundup of cattle owned by 15 other ranchers who have defied the TB eradication effort pending the outcome of the legal challenge filed by the 21 plaintiffs.

State Veterinarian Calvin Lum said yesterday,

however, that he was not sure if agriculture officials would proceed with enforcement.

Zenker said last night the state "has the authority" to move against the 15 ranchers not party to the appeal, but officials still are "weighing the best course of action."

Roundups of defiant ranchers' cattle could prompt confrontations, which state agriculture officials would rather avoid.

Honda yesterday said he would rule within a day of the appeals hearing, meaning the matter should be settled Aug. 29. But even if the government prevails, Lum worries that the delay from now to then could hinder the success of eradication efforts.

Lum said the government would be barred from enforcing the slaughter order for 11 days, meaning the state couldn't launch a roundup until the second week of September.

That would give the state only a few weeks to get Molokai's remaining 1,000 cattle off the island before ranchers who cooperated with the program last fall can begin restocking in October. Government officials originally wanted Molokai free of all cattle for several months before restocking begins.

"Every time we have a delay, we're losing ground," Lum said. "It's gotten to the point where I don't know if I can guarantee a successful eradication anymore."