STATE OF FLORIDINA
DISTRICT OF STINSONIA

JEFFREY WILLIAMS, Appellant / Cross-Respondent. v. THE PEOPLE OF FLORIDINA, Respondent/Cross-Appellant	)	Cr. No 08-1028

BRIEF SUPPORTING MR. WILLIAM'S APPEAL

Comes now, Mr. Jeffrey Williams, through counsel, and appeals the conclusions of law from the District Court's ruling. The District Court misapplied the law, and we seek review of its decisions to exonerate Mr. Williams.

Respectfully Submitted,

_____/s/_____

Team Seventeen
Team Brief

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Cases

Statutes

Other Authorities

Rules

Treatises

Regulations

Constitutional Provisions

FACTUAL BACKGROUND

Mr. Jeffrey Williams transports poultry, or "spent hens," for a living. *State v. Williams,* Cr-No. 08-1028, *1 (Floridina D. 2008). Spent hens are no longer able to lay eggs, so they are of little value to farmers. Farmers have considerable trouble disposing this multitude of hens in compliance with various federal regulations. *Id*. at 1. Mr. Williams's business fills that need by picking up the spent hens, transporting them the length of the east cost, and selling them to the United States Department of Agriculture. *Id.* The USDA then uses the hens in its school lunch program. *Id*.

On a routine shipment to New York, Mr. Williams was pulled over in Floridina for a broken taillight. *Williams*, Cr-No. 08-1028 at 2. The highway patrol officer inspected Mr. Williams's cargo and found "a large number of dead chickens, live chickens standing on top of dead chickens, and chickens that appeared to be unable to stand upright." *Id*. This concerned the officer, and he called an animal control officer to consult on the status of these chickens. *Id*. The animal control officer indicated the fact scenario, as described by the patrol officer, constituted a violation of Floridina's anti-cruelty statute. *Id*. Mr. Williams was arrested and charged with forty-five counts of cruelty to animals under state law. *Id.*

Mr. Williams's shipments are always in transit for less than twenty-four hours. He routinely travels through multiple states to transport these spent hens, and he routinely drives without break from starting point to the destination. *Id*. at 1-3. Therefore, he stipulated to the facts and asserted an affirmative defense of federal preemption. *Id*. at 2. The court below decided that chickens are animals within the meaning of the term in the Twenty-Eight Hour Law. *Id*. At 7. However, the court did not find that the federal statute preempted Floridina's anti-cruelty statute, and convicted Mr. Williams of forty-five counts of animal cruelty. *Id*. at 11.

ISSUES PRESENTED

1) Does the term "animals," as used in the Twenty-Eight Hour Law, include chickens?
2) Does the Supremacy Clause of the U.S. Constitution bar Williams's conviction under the Floridina anti-cruelty statute because the federal Twenty-Eight Hour Law preempts the state anti-cruelty law?

SUMMARY OF ARGUMENT

The District Court was correct in finding that a chicken is an animal; however, it erred in finding that federal law did not preempt state law. This error resulted in Mr. Jeffrey Williams being convicted of forty-five counts of animal cruelty in state court after complying with the federal statute against animal cruelty in transit. Therefore, this Court should overturn the trial court's interpretation of the statute to find that federal law preempts state law because there is a pervasive statutory scheme that leaves states with no room to legislate, and it is impossible to comply with both the state and federal statutes at the same time. Additionally, the court should affirm the finding that a chicken is an animal because it is consistent with the ordinary meaning of the term.

RELEVANT STATUTORY PROVISIONS

Floridina's Cruelty to Animals Law, 8 F.R.S. section 621, states, in pertinent part:

> "Animal cruelty" is committed by every person who directly or indirectly causes any animal to be (a) overdriven, overworked, tortured or tormented; (b) deprived of necessary sustenance, drink, shelter or protection from the weather; (c) denied of adequate exercise, room to lie down, or room to spread limbs, or (d) abused.

The prosecutor has discretion to charge a violation of this statute as either a misdemeanor or a felony. The statute defines "animal" to mean all living creatures, including birds, regardless of their function or use by humans. 8 F.R.S. § 620(1).

The Federal Twenty-Eight Hour Law for the transportation of animals, 49 U.S.C. §80502 (2000), currently states in pertinent part:

> (a) Confinement.--(1) Except as provided in this section, [a trucker] transporting animals from a place in a State, . . . through or to a place in another State, . . . may not confine animals in a vehicle or vessel for more than 28 consecutive hours without unloading the animals for feeding, water, and rest.
> * * *
> (b) . . .Animals being transported shall be unloaded in a humane way into pens equipped for feeding, water, and rest for at least 5 consecutive hours. The owner or person having custody of the animals shall feed and water the animals. When the animals are not fed and watered by the owner or person having custody, the rail carrier, express carrier, or common carrier (except by air or water), the receiver, trustee, or lessee of one of those carriers, or the owner or master of a vessel transporting the animals--
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> * * *
>
> (c) Nonapplication.--This section does not apply when animals are transported in a vehicle or vessel in which the animals have food, water, space, and an opportunity for rest.
>
> (d) Civil penalty.--A [trucker] that knowingly and willfully violates this section is liable to the United States Government for a civil penalty of at least $100 but not more than $500 for each violation. On learning of a violation, the Attorney General shall bring a civil action to collect the penalty in the district court of the United States for the judicial district in which the violation occurred or the defendant resides or does business.

STANDARD OF REVIEW

The Second Circuit reviews issues of statutory interpretation *de novo*. *United States v. Kerley*. 544 F.3d 172 (2d Cir. 2008) (reviewing a child support statute *de novo*). This Court should conduct its own review of the above mentioned questions because these are issues of first impression in this jurisdiction. Additionally, the district court preemption decision misapplied the law, and Mr. Williams has a quantifiable property interest at stake. *Stone v. FDIC*, 179 F.3d 1368 (Fed. Cir. 1999) (holding that the plaintiff was entitled to a hearing because petitioner had a

due process property interest in his employment). For these reasons, this Court should hear this appeal and vacate Mr. William's conviction of forty-five counts of animal cruelty under state law.

This court has jurisdiction under the appeal provisions of Floridina Rule of Criminal Procedure. Fl. R. Civ. Pro. 1028.

ARGUMENT

I. THE TRIAL COURT'S FINDING THAT CHICKENS ARE ANIMALS SHOULD BE AFFIRMED BECAUSE IT IS CONSISTENT WITH THE ORDINARY MEANING OF THE TERM "ANIMAL" AS IT IS USED IN THE TWENTY-EIGHT HOUR LAW.

Courts need only look at a statute's language to determine congressional intent if the statute is clear and consistent with the existing statutory scheme. *Molski v. M.J. Cable, Inc*., 481 F.3d 732 (9th Cir. 2007) (holding that plaintiff was clearly disabled under the Americans for Disabilities Act); *See BP Am. Prod. Co. v. Burton,* 549 U.S. 84, 91 (2006) ("Unless otherwise defined, statutory terms are generally interpreted in accordance with their ordinary meaning."). If a statute is ambiguous, courts have several tools to determine the meaning, including canons of statutory construction and legislative history. *Gonzales v. Carhart*, 550 U.S. 124, 127 (2007).

The federal statute in question is clear. It notes that "[truckers] . . . may not confine . . . *animals* in any vehicle or vessel for more than 28 consecutive hours." Transportation of Animals, 49 U.S.C. § 80502 (2000) (emphasis supplied). A chicken is an animal, both by definition and scientific taxonomy. Webster's Encyclopedic Unabridged Dictionary of the English Language 59 (New Rev. Ed. 1996) (distinguishing an animal from a plant); Afaf Al-Nasser, *et. al., Overview of Chicken Taxonomy and* Domestication, 63 World's Poultry Sci. J. 285 (2007) (articulating the classification of breeds of chickens that have been developed since the domestication of their wild fowl counterparts).

This interpretation, that chickens are animals, is consistent with the ordinary meaning of the term "animal." There is no indication that Congress intended this language to be interpreted in any way other than its ordinary meaning because the legislative history indicates that the statute applied to "cattle, sheep, swine and other animals" and that language has been replaced with the less specific term "animals." Pub. L. 103-272, §1(e), 108 Stat. 1356 (1994) (repealing 45 U.S.C. §§71-74). Given the decision of Congress to move to a less specific designation about the type of animals covered by this provision, it is a fair reading that chickens are considered animals within the meaning of this statute.

However, even if the more general term "animals" can be interpreted to exclude some form of wildlife, such as reptiles, amphibians, and aquatic species, chickens should still be considered animals for the purposes of this law. The language that was replaced, "cattle, sheep, swine, and other animals" left an opening under the classification "other animals." Even applying the canon of statutory interpretation, *expressio unius est exclusio alterius*-- the express mention of one thing excludes all others, this statute lends itself to the understanding that a chicken is an animal because the prior version of the statute envisioned the protection of animals beyond four-legged farm animals. Chickens fall into the category of "other animals" and are not excluded because a chicken is a farm animal that is generally transported across interstate lines for processing and disposal. Therefore, chickens should receive the benefit of protection from inhumane treatment under this federal statute.

Moreover, defining a chicken as an animal is consistent with both the statutory scheme and the supplementary regulatory scheme. The United States Department of Agriculture's policy statements regarding the Twenty-Eight Hour Law are listed in the Code of Federal Regulations (C.F.R.). 9 C.F.R. § 89 (2008). Although poultry is noticeably excluded from the feed provision

in 9 C.F.R. § 89.1 (2008), poultry is considered to be an animal in the title of the relevant subchapter of the C.F.R Title 9 "Animals and Animal Products," chapter 1, subchapter C is entitled, "Interstate Transportation of Animals (*Including Poultry*) and Animal Products. *See* 9 C.F.R §§ 70-89.5 (2008) (emphasis supplied). In several of its provisions, the Department of Agriculture has specifically provided detailed regulation for poultry transportation. *See, e.g.,* 9 C.F.R § 71.16 (2008). Moreover, this subchapter applies specifically to the interstate transportation of animals.

It is counter-intuitive to contemplate that chickens could be excluded from the category of "animal" without a specific definition provided by the legislature indicating the term does not encompass chickens. Furthermore, to allow a reading of the statute that excludes chickens, it is necessary to assume that the statute is ambiguous in the first place. This court should not undertake such a convoluted reading of the legislative history, especially when the legislative history is full of material that allows the reasonable inference of its desire to include any farm animal. A contrary reading would go against the ordinary meaning of the language used in the statute. *See Connecticut Nat'l Bank v. Germain*, 503 U.S. 249 (1992) (holding that the cardinal rule of statutory interpretation is that "[C]ourts must presume that a legislature says in a statute what it means and means in a statute what it says there.")

Although the actual language of the federal statute regulates what constitutes safe transportation of animals, the State argued at the trial level that the statute need only apply to four-footed mammals, such as those found on a farm like cows, sheep or swine, excluding all other animals. *Williams,* Cr-No. 08-1028 at 6. This is not an appropriate reading, because while cows, sheep, and swine are farm animals, so are chickens as noted by relevant C.F.R. provision. 9 C.F.R. § 71.1 (2008) ("Premises. A location where livestock or poultry are housed or kept.").

The closer and more interesting question is whether the statute should be limited to four-footed farm animals, which would exclude chickens. This interpretation is inappropriate, however, because the plain language of the statute requires these criteria to be followed for animals being transported, regardless of species. Chickens are animals that need to be fed, need to be watered, and need to be provided an opportunity for rest; and, chickens are animals that are frequently transported by the modes covered by this statute. Therefore, reading the statute so that it only includes four-legged farm animals limits the statute in a manner that is manifestly at odds with the language employed by Congress and the USDA's regulations.

The second argument by the state at the trial level – that its position is supported by case law – is equally unpersuasive. *Williams,* Cr-No. 08-1028 at 5-6. In *State v. Claiborne,* the Kansas Supreme Court held that chickens are not animals because cockfighting is a sport that falls within an exclusion to the anti-cruelty statute. *State v. Claiborne,* 505 P.2d 732, 735 (Kan. 1973). In *Buford,* the New Mexico Supreme Court implicitly noted that gamecocks were animals, but relied on other cases that reasoned that chickens were not animals within the statute before arriving at its conclusion. *State v. O.C. Bufford,* 65 N. M. 51, 52 (1958). These cockfighting cases would be persuasive, but for the court's direction that "nothing in [the New Mexico statute] shall be construed to apply to [shipping poultry]," which is the precise issue before this court. *Id*. Therefore, case law regarding the cockfighting contributes little in determining whether a chicken is a farm animal.

In short, a chicken is an animal. A chicken has needs. It requires air, food, water and space. A chicken is in the same class as a cow, a sheep, and a pig because all of these animals are typically raised on farms and are later sold for human consumption. This interpretation is consistent with the statutory construction and the United States Department of Agriculture's

promulgated rules and definitions. Therefore, the statutory term "animals" is clear, and chickens are included in that category. The district court's finding that chickens are animals should be upheld.

II. THE TRIAL COURT'S DECISION ABOUT THE PREEMPTIVE EFFECT OF THE TWENTY-EIGHT HOUR LAW SHOULD BE OVERTURNED BECAUSE CONGRESS PREEMPTED ANY POTENTIAL REGULATION OF THE TRANSPORT OF ANIMALS AND ANY ACTIVITIES ARISING FROM THE TRANSPORTATION OF ANIMALS.

The United States Constitution is the supreme law of the land, notwithstanding any state law to the contrary. U.S. Const., art. VI, cl. 2; *McCulloch v. Maryland,* 4 Wheat. 316 (1804). Therefore, Congress may preempt the state's legislative action expressly or implicitly. *Hillsborough County v. Automated Medical Lab*s, 471 U.S. 707, 712 – 13 (1985). Express preemption requires the inclusion of an explicit provision in a statute stating Congress's intent to prevent state regulation. *Sprietsma v. Mercury Marine, Inc.*, 537 U.S. 51, 62-63 (2002). However, express preemption is not implicated in this case, because Congress did not enact any provisions explicitly stating its intent to preempt state law. 49 U.S.C. § 80502 (2000).

Congress may also implicitly preempt state legislation when the statutory scheme created by Congress occupies the entire field, leaving no room for additional legislation by the states. *Rice v. Santa Fe Elevator Corp.*, 331 U.S. 218, 230 (1947); *English v. General Electric Corp.*, 496 U.S. 72, 78-79 (1990). Implicit preemption also exists when the state law creates a conflict such that compliance with federal and state law at the same time is impossible, *Florida Lime & Avacado Growers, Inc. v. Paul,* 373 U.S. 1323, 142-43 (1963); or, when state law poses an obstacle to the execution of federal policies enacted by Congress. *Hines v. Davidowitz,* 312 U.S. 52, 67 (1941). Congress has implicitly occupied the entire field by enacting the Twenty-Eight

Hour Law and permitted the USDA to promulgate rules related to the transportation of livestock which includes poultry.

Even if this Court were to decide the Twenty-Eight Hour Law and surrounding regulations are not sufficient to occupy the field and thus do not preempt the entire field of state law that supports Mr. Williams's conviction, then conflict preemption should permit the Court to vacate his conviction because fulfillment of both the state and federal law is impossible on the facts of this case. To begin any implied preemption inquiry, the court must start "with the assumption that the historic powers of the state were not to be superseded by the Federal Act unless that was the clear and manifest purpose of Congress." *Rice*, 331 U.S. at 230; *Bates v. Dow Agrosciences, Inc.*, 544 U.S. 431, 449 (2005). Therefore, the party claiming preemption, in this case Mr. Williams, has the burden of proving that preemption applies. *Id*.

A. Congress has regulated the entire field relating to the transportation of farm animals through interstate commerce with its enactment of the Twenty-Eight Hour Law and acquiescence in the relevant regulations promulgated by the USDA.

Field preemption means that "the scheme of federal regulations [provided by Congress] is so pervasive as to make reasonable the inference that Congress left no room for the states to supplement it." *Rice,* 331 U.S. at 267. Courts may measure the volume, specificity, and complexity of the federal regulation when inferring field preemption. *Geier v. Am. Honda Motor Co.*, 529 U.S. 861, 884 (2000) (noting that if a conflicts exist, "one can assume that Congress or an agency ordinarily would not intend to permit a significant conflict"). Courts give equal weight to federal regulations and federal statutes. *Fidelity Fed. Savings and Loan Ass'n. v. de la Cuesta*, 458 U.S. 141 (1982).

Here, the federal statute and the USDA's accompanying regulations occupy the entire field of transportation of farm animals, including poultry, through interstate commerce. As a

result, the guidelines for humane transportation of animals are determined without room for supplementation by the states. The Twenty-Eight Hour Law dictates the time period that animals can be transported without water; it defines what treatment is humane; it sets timelines for when animals receive water, food, and rest; and, it notes who is subject to this act, 49 U.S.C. § 80502, with more specificity than other state statutes, including the Floridian State Statute. 8 FRS § 621(a) to (d). Moreover, the Department of Agriculture has implemented a specific regulatory scheme of significant complexity that defines when, how and who may be regulated under the federal statute. 9 C.F.R. § 70.1, *et seq*. In short, the combination of the congressional statute and the USDA's regulations has made clear that Congress intends to define what the requirements are for people transporting animals, 49 U.S.C. § 80502(a)-(c); 9 C.F.R. §§ 70-89.5, as well as the extent of the punishment for failure to comply with requirements for the transport of animals, 49 U.S.C. § 80502(d)

Many courts and commentators generally agree that the federal Twenty-Eight Hour statute's predecessor preempted the entire field leaving no room for state legislative action. *Grand Truck Western Ry. Co v. U.S.*, 248 F. 905 (6th Cir. 1918) (noting that the federal anti-cruelty statute applies even when part of the confinement began in Canada because the cattle were brought into the United States); *People v. Southern Pacific Company*, 208 Cal. App. 2d 745 (1962) (noting that the federal anti-cruelty act preempts the entire field while the animals are in interstate commerce until delivery has been completed); *Gilliland & Gaffney v. Southern Ry. Co*., 67 S.E. 20 (S.C. 1910) (noting that as the federal statute establishes the duties and liabilities between parties in a contract for the transportation of animals, it will supersede any state statute establishing conflicting duties and liabilities). 13 Am. Jur. 2d Carriers § 404 (2008) (noting that "previous federal statutes [to the Twenty-Eight Hour Law] . . . have been held to displace any

law on the subject, but not to change a common carrier's common law duty to feed, water and rest livestock during transport- merely to prescribe the time and manner of its performing such duty"); 18A Cal. Jur. 3d. *Criminal Law* § 491 (2008) (noting that "federal provisions on transportation of animals preclude the application of state statutes on cruelty to animals to a common carrier engaged in interstate commerce"); 4 Mich. Civ. Jur. *Carriers* § 114 (2008) (noting that "the federal 28-Hour Law applies to interstate carriage of livestock and displaces any state law upon the same subject"). Based on these interpretations of the preemptive effect of the Twenty-Eight hour law, federal law preempts Floridina law and requires that Mr. Williams's convictions be vacated.

In *People v.. Southern Pac. Co.*, the court held that the predecessor to the current version of the Twenty-Eight Hour Law preempted California state anti-cruelty to animals statutes. *Southern Pac. Co.*¸ 208 Cal. App. 2d at 752. The court reasoned that the statute met the test laid out in *Rice v. Santa Fe Elevator*, that is, whether the pervasiveness of the scheme is so extensive as to lend itself to the reasonable inference that Congress left no room for states to supplement it. *Id*. at 751.

The precedent statute considered in *Southern Pac. Co.* was almost identical to the one currently in force. In *Southern. Pac. Co.,* the statute was titled the "Cruelty to Animals Act" and prescribed the requirements for humane confinement with appropriate rest breaks. *Id*. at 751 (citing 45 U.S.C. §71). The statutory scheme also included a lien for the carrier for the proper provision of these services, *Id*. (citing 45 U.S.C. §72), and the assessment of civil penalties for failure to comply. *Id*. (citing 45 U.S.C. §73). Federal courts were also granted exclusive jurisdiction. *Id*.

The current Twenty-Eight Hour Law has a provision prescribing the necessary steps for providing humane treatment to animals in transit. 49 U.S.C. § 80502(a). It also has a provision creating a lien for carriers that provide the necessary services, 49 U.S.C. § 80502(b)(2), and civil penalties can be assessed for failure to comply with the statute. 49 U.S.C. §80502(d). The current statute has also been augmented by the promulgation of rules and policy statements that have been published in the Code of Federal Regulations. 9 C.F.R. §§ 70-89.5 (2008). *Souther Pac. Co.* and this case are so similar that this Court should follow the California case even though it is only persuasive authority.

In contrast, *Cresenzi Bird Importers*, is highly distinguishable from the case at hand. *Cresenzi Bird Importers v. New York*, 658 F.Supp.2d 1441 (S.D.N.Y. 1987). *Cresenzi* involved a state law prohibiting the sale of *wild* birds within the state. *Id*. (emphasis supplied). The plaintiffs claimed that the local Wild Bird Law was preempted by the Endangered Species Act. *Id.* at 1442. The court dismissed the preemption claim because the plaintiffs were not selling the birds under the provisions of the Endangered Species Act that triggers preemption of state law. *Id*. at 1446.

Mr. Williams was in compliance with the Federal anti-cruelty provision because Congress has legislated that it is humane to transport animals and confine them without food or water for less than twenty-eight hours. There is no room left for states to legislate that compliance with these measures constitutes cruel and inhumane treatment given the duties fixed upon Mr. Williams by the Twenty-Eight Hour Law and the additional rules published in the C.F.R. Mr. Williams's conviction should be vacated because the Floridina anti-cruelty statute has been preempted by the Twenty-Eight Hour Law because Congress has created a pervasive occupation of the field.

B. Compliance with both the federal Twenty-Eight Hour Law and the Floridinian anti-cruelty statute is impossible because the state statute is written so that compliance with the federal law is insufficient to satisfy the state law.

Conflict preemption occurs when "compliance with both federal and state regulations is a physical impossibility." *Hillsborough County v. Automated Medical Labs*, 471 U.S. 707, 713 (1985) (quoting *Florida Lime & Avacado Growers, Inc. v. Paul,* 373 U.S. 132, 142-43 (1963)). Conflict preemption can also occur "when state law 'stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress.'" *Hillsborough,* 471 U.S. at 713. Congress has provided specific guidelines, quantifying what constitutes the humane transportation of animals in interstate travel, and these guidelines have been supplemented by the Department of Agriculture detailed regulations, and none of these regulations provide for criminal or felony punishment. These guidelines should not be supplanted by conflicting state law, which punishes as inhumane treatment that which the United States Congress has established to be humane. From that perspective, this state statute should be preempted because Mr. Williams's compliance with both the federal and the state statutes is impossible, as proven by the result below on the stipulated facts. People, such as trucker, farmers and railroad carriers, engaged in the transportation of animals are entitled to know what the law is and know what amounts to inhumane treatment.

The trial court's erred in deciding that conflict preemption is inapplicable because there is no conflict between the statutes when traveling over twenty-eight hours so there must not be conflict when travel time is less than twenty-eight hours. The relevant inquiry to find conflict is whether it is impossible to meet the requirements of both the federal statute and the state statute. In this case, it is impossible to meet the requirements of both statutes because Mr. Williams was found guilty of animal cruelty even though he was in strict compliance with the federal requisites

for the humane transportation of animals. Subsection (d) of the Floridina law prohibits abuse of any animal. 8 F.R.S. § 621(d). Compliance with the federal law's transportation requirements should shield Mr. Williams from the ambiguity of the Floridinian provision. While it is conceivable that there are ways to be in compliance with the federal law and still engage in the abuse of animals, that is not the case here, or the question before the Court.[1] Mr. Williams was in compliance with the federal law and even took additional steps such as keeping the chickens in the truck for less than twenty-four hours rather than taking advantage of the twenty-eight hour limit provided by the statute. Meeting the additional, and undefined, burdens imposed by Floridina's law would create an obstacle to the policies that prompted Congress to enact the statute, namely to facilitate the shipping of animals in interstate commerce, Cong. Globe, 42nd Cong., 2d Sess. 4226-37 (1872).

Congress, and the Department of Agriculture, have laid out a comprehensive scheme which defines the acts that constitute cruelty to animals in interstate commerce. Transporters have relied on the federal provisions to guard against committing inhumane acts against the animals being transported. Mr. Williams relies on the federal statute to enable the transportation of these chickens to the USDA, and his reliance on the federal statute has been incorrectly limited by the contrary provisions of the Floridina law and his convictions under the Floridina law.

CONCLUSION

Federal law establishes that it is humane to keep animals confined, and in transit without food or water, for less than twenty-eight hours. Mr. Williams acted humanely according to Congress. Also, a chicken is an animal within the ordinary meaning of the term "animal." The

[1] The Question before the court is whether the federal statute conflicts with the state statute, not whether there are conceivable ways in circumstances that are not before the court which both these statutes would not conflict.

federal statute implicitly preempts the contrary state statute because the statute and subsequent USDA regulations outline a comprehensive scheme and sets forth specific limitations on the time and manner in which animals may be transported through interstate commerce. Moreover, there is conflict preemption because compliance with federal laws means that the animals are transported humanely; however, in this case, this "humane" treatment still results in a serious danger that the State will convict a defendant for cruelty to animals. Indeed, the state law serves as an obstacle to the enforcement of the policies and the purposes of Congress for enacting the Twenty-Eight Hour Law and the USDA's regulations. Therefore Mr. Williams's convictions should be vacated for the reasons articulated in this brief.