Proposed new Legislation to improve animal living conditions

Enacting California’s proposition 2 in every state?

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Summary:

The meat and other animal products we consume every day come from animals that may have lived under less than desirable living conditions. While there are laws pertaining to the slaughter and transportation of farm animals, there are no mandatory regulations regarding farm animal living conditions. The laws that supposedly protect farm animals in the United States are inadequate and new laws need to be put into place. One law that will improve animal living conditions in the coming years is California’s Proposition 2. In an effort to enact new legislation to improve the living conditions of farm animals, we propose creating new laws similar to Proposition 2. Our recommendations will be submitted to the USDA’s agricultural bioethics group.

Video link: http://www.youtube.com/watch?v=V3EvpgyoXBM&feature=youtu.be

Lack of regulation on the living conditions of farm animals

The major issue is that there are many laws protecting animals used for research, but few laws related to farm animals. The only laws that protect farm animals are those laws pertaining to transportation or the conditions under which the animal is put to death. Currently, there are no laws that deal with the living conditions of animals used in agriculture.

Current Legislation Relating to Farm Animals (AC)

Each year billions of animals all over the world are raised for the sole purpose of slaughter and consumption by the human population. The average American eats about half a pound of meat and one pound of dairy each day. Yet most Americans have no idea how this food reaches their plates. We as a nation have evolved. We no longer have to individually hunt for our meat, which has caused most of us to separate ourselves from the slaughter process necessary to obtain our meat. Many people do not realize what this process actually entails.

The Humane Methods of Livestock Slaughter Act of 1958 under federal law requires animals to first be stunned into unconsciousness so that they are unaware or numb before the animal is shackled, hoisted, thrown, cast, or cut. In order to be stunned the animal must first be restrained, which can immediately cause stress to the animal. Acceptable methods of stunning under the act are a single blow, gunshot, electrical or chemical means. The most common methods of
stunning are electrocution, CO2 gas, or use of a captive bolt pistol also known as a stun bolt gun.4 The idea behind the stun bolt gun is to forcefully strike the animal's head, often destroying part or all of the animal’s brain.5 An animal is considered properly "stunned" when it no longer tries to stand up.5 This could mean electrocuting or striking the animal with the stun bolt gun multiple times.5 Once this stunning is accomplished, the animal is often hoisted upside down and the throat is cut, severing the jugular vein.5 The animal is often sent down a line of workers who cut the animal up into various pieces while the animal is bleeding out.5 So technically, the animal is usually still alive during this process.

The act states that any animal being slaughtered for religious consumption is not to be held accountable to these conditions.6 In other words, the Humane Method of Slaughter Act does not apply to kosher or Halal meat.6 Jewish law states that the animals must be fully sensible when slaughtered.6 This often means the cutting of the animals jugular, followed by the bleed out of the animal until it dies.6 Some states have their own laws regarding religious slaughter actually contradicting the act.6

Another exception to this act involves the species of animals it covers. This act only specifically mentions cattle, horses, calves, mules, swine and sheep.7 This act does not cover the slaughter of chickens.7

Instead chickens supposedly fall under the Poultry Products Inspection Act (PPIA). This act also covers turkeys, ducks, and geese.8 However, this act does not actually cover humane methods of slaughter.8 It just covers procedures for sanitary inspection and distribution of the meat after slaughter.8 Therefore, chicken slaughter does not fall under any regulation.

The Humane Methods of Slaughter Act of 1958 has historically been very hard to enforce. The large amount of animals moving through each slaughterhouse so quickly makes it impossible to ensure stunning of every single animal.4 The USDA recognized this in the 2002 Farm Bill which states the Slaughter Act must be enforced.7 Shouldn’t the original act have been enforced the entire time?

Most often these animals must be transported from a factory farm to a slaughter house. The only law that exists regulating this transportation is the federal law 49 USC 80502, the “28 Hour Law.”9 This law states that animals may not be confined to a vessel for more than 28 hours without being unloaded for basic needs such as water, feeding, and rest in 5 hour increments.9 This law does not apply to animals traveling in vessels that already have a means of water, food, and space to lay down.9 This law also does not apply unless animals are being transported across state lines.9 So if the animals are traveling intrastate, even across large states, the drivers would not be subject to the 28 Hour Law.9 This law is also difficult to enforce. Who would really know if the driver took the time out to stop?

**The Animal Welfare Act (AC)**

Not only are the deaths of many of these animals horrific, their lives leading up to slaughter are often just as harsh. Most, if not all, of these animals are raised on factory farms. Factory farms are huge warehouses that house an incredibly large amount of animals often from their birth up
until when they leave for slaughter. These “farms” are seeking to produce the most amount of meat at the cheapest cost, often ignoring what living conditions are best for the animals.

Many Americans are led to believe that farm animals are protected under the United States Department of Agriculture. (USDA) The USDA actually has no authority to regulate the treatment of food animals on the farm level. They only inspect the food after the animals have been slaughtered. This may in turn lead people to believe that farm animal regulation is covered under the Animal Welfare Act, 7 USC 231. But this act only covers animals bred for commercial sale, used in research, exhibited to the public, and transported commercially. This leaves the regulation of living conditions on farms virtually up to the farms themselves.

Federal Laws Protecting Farm Animals (KC)

The only farm animals that are protected by law in the United States are those that are used for research or teaching. There are virtually no federal laws that protect the welfare of animals raised for food. This lack of protection has led to the aforementioned conditions that farm animals must endure and perpetuates acts of cruelty that continue to be committed against farm animals. A few compassionate people have attempted to pass bills in congress that would preserve farm animal welfare across the United States.

One of the bills was H.R. 6202 which is known as the Farm Animals Anti-Cruelty Act. It was introduced to congress in 2008 and stated that if someone, “kills, mutilates, disfigures, tortures, or intentionally causes an animal held for commercial use pain or suffering...or fails to provide food, water, shelter, and health care as is necessary to assure the animal’s health and well-being” they can be fined up to $100,000 and/or face one year in jail. The bill would have been monumental for animal rights groups who want to prosecute people who commit cruel acts against farm animals. The bill was referred to The Committee on Agriculture and has not been brought up since.

In 2010, another attempt to make farm animal welfare a national issue came in the form of H.R. 4733, also known as The Prevention of Farm Animal Cruelty Act. The bill would have made it illegal for a federal agency to purchase food from a pregnant pig, egg-laying hen, or a veal calf unless they had room to “stand up, lie down, and turn around freely” and to “fully extend all limbs”. If federal agencies were not allowed to buy products from animals who were raised under cruel conditions, then factory farmers may consider altering their practices in order to comply with these standards in order to still be able to supply food to federal agencies. The bill was referred to the House Agriculture Committee’s subcommittee on Livestock, Dairy, and Poultry, but no action has been taken since it was first introduced.

States Laws Protecting Farm Animals (KC)

It is evident that federal laws are inadequate at eliciting change to farm animal welfare, but some states have made progress in the fight to improve animal living conditions. It seems to be easier to pass state laws relating to animal living conditions, as opposed to federal laws, because the there are less governmental interests attempting to block the bill. Also, the public is able to vote on the proposed law so animals rights groups who are in favor of the bill, such as The Humane
Society of the United States, are able to raise public awareness to get the law passed.

One factory farming practice that has been banned in many states is the use of veal crates. Calves who are only a few days old are separated from their mothers and are forced to live out their five month lives in small crates that severely restrict their movement. Widespread compassion for these young animals helped pass laws to outlaw veal crates in many states including Arizona, California, Michigan and Ohio.

Gestation crates are another animal agriculture practice that threaten animal living conditions. Breeding pigs are confined to crates that do not allow them enough room to turn around and they barely provide enough room for a pregnant pig to lie down comfortably. Many companies argue that they must use gestation crates or they will lose their business. According to a study conducted by Iowa State University, this is simply not the case. The study shows switching from gestation crates to group housing may even cut down on economic costs for farmers. Nine states have passed a law banning gestation crates and more are expected to follow.

Currently, the Humane Society of the United States is working to improve the living conditions for egg-laying hens on a national level. The Bill is called H.R.3798 and it would provide hens with enriched cages and give them twice the amount of room provided by battery cages. If congressional history has told us anything, the bill will most likely be referred to some committee and will never become a law. The elimination of battery cages at the state level has not been as successful as the elimination of veal and gestation crates with only Michigan and California passing laws to ban the cages.

**California’s Proposition 2 (KC)**

Public awareness of the horrendous living conditions on factory farms has continued to increase over the past decade. The people of California became acutely aware of animal welfare issues after the much publicized Hallmark/Westland Meat Packing Company case. In 2007, an undercover worker videotaped two employees using cruel methods to force cows who were too sick to stand up to walk to slaughter. The USDA conducted an investigation and the two employees were convicted. This case was monumental for farm animal welfare because farm animals are usually unprotected by animal cruelty laws. The Human Society of the United States used the publicity from the Hallmark/Westland case to drum up California’s support of a groundbreaking law on farm animal living conditions.

The piece of legislation is called Proposition 2. The Human Society of the United States led the campaign to pass the law and had immense support from groups like Farm Sanctuary and the Sierra club. In 2008, the people of California showed their majority concern for the welfare of animals when they passed Proposition 2 with about 63% of voters in favor and 37% opposed. The law forbids the use of cages or other confinements that keeps egg-laying hens, breeding pigs, and veal calves from being able to stand up, turn around, lie down, or extend their limbs. This means that Proposition 2 outlaws the use of battery cages in egg production and crates for breeding pigs and veal calves because these types of confinements to not comply with the restrictions set by the new law. This was a huge victory for animal welfare groups across the country because it brought national attention to the living conditions of farm animals.
Not everyone was supportive of Proposition 2. While the Humane Society was promoting the law, the American Egg Board and other organizations who would be affected by the restrictions worked hard to keep it from passing. The American Egg Board voted to set aside $3 million to launch a campaign against Proposition 2, but this plan was eventually deemed illegal and was struck down in court. Egg farmers who kept their hens in battery cages feared that they would lose their business because of the high cost of renovations to their farms. Proposition 2 does not go into effect until 2015, so farmers are given time to slowly renovate in order to comply with the law.

The egg farmers also argued that the price of eggs would skyrocket because of the high costs of operating their farms. According to a study conducted by Don Bell at the University of Riverside, eliminating battery cages would only cause a price increase of 1 cent per egg. Egg farmers in California were not the only ones trying to keep Proposition 2 from passing. A staggering 79% of donations to the No on Prop 2 campaign came from out-of-state businesses and organizations. Factory farm owners across the United States rallied against Proposition 2 because they feared that if it passed, other states may soon follow suit. The did not want the publicity of Proposition 2 to influence voters in their own states to try to pass laws banning animal confinements.

In theory, Proposition 2 will enhance the lives of countless animals living on farms in California but there is much speculation about how well the law will be enforced. The penalty for violating Proposition 2 is a $1,000 fine and/or jail time of 180 days or less. Currently, it is unclear which group will actually enforce the law but the Department of Food and Agriculture has been mentioned as a possibility. There has been no mention of any USDA or FDA involvement in the law. In order for Proposition 2 to ensure that hens, veal calves, and breeding pigs are not being illegally crammed into cages, there needs to be a system of regulation.

**Community action: Enacting California’s proposition 2 in every state - a federal or USDA ruling?**

Upon analyzing our research, it has become evident that changes need to be made in order to protect the welfare of farm animals. The horrendous conditions that we discussed are unacceptable and must be remedied. As we mentioned, some states have already enacted laws to ban battery cages and veal and gestation crates, the strictest of these being in California under Proposition 2. We would like to propose an animal welfare law similar to Proposition 2 but with improvements that we think would ensure the effectiveness and enforcement of the law.

We think that the proposed law should protect egg-laying hens, veal calves, and pregnant pigs. We recognize that all farm animals living on factory farms need improved conditions but these three groups endure the worst conditions. Other states have already passed laws banning these confinements which shows that a negative public opinion can result in animal welfare laws being passed. Our hope is that the elimination of these confinements will lead to future improvements of living conditions for all farm animals.

As discussed earlier, various animal welfare bills dealing with farm animal living conditions had
been brought to congress but were quickly shot down because of big business interests. We believe the only way to successfully enact an animal welfare law is if each state allows the public to vote on it. That way, the power to pass the law is put into the hands of the people and would actually have a chance to be enacted. We acknowledge that many farming states may not want to pass this law because they fear it will hurt their economy. In order to encourage these states to adopt the law to improve living conditions, there will be a clause in the law so that any states that have already adopted the law would prohibit food suppliers from purchasing products from states that still use battery cages and crates.

The fine for violating the law should be up to $10,000 for first time offenders, $100,000 for a second offense (depending on severity of offense) and up to 1 year of jail time for repeat offenders. Proposition 2 charges up to $1,000 but we feel that this is too low to catch the attention of large factory farms. The fines should then be used to pay the enforcement agencies.

Once the law passes, the farmers in the state would need a certain amount of time to renovate their farms to comply with the new standards. We think that a 5 year year grace period would allow for more than enough time for the proper changes. Our goal is to make the change as easy on the farmers as possible, so they will not put up a huge fight against passing the law.

**A summary of the proposed law**

- Each state will pass its own law
- Prohibit the use of battery cages for egg-laying hens, veal crates, and gestation crates for pregnant pigs
- Ban the sale of out-of-state products that are produced using battery cages or crates
- A fine of $10,000 for first time offenders, up to $100,000 for a second offence, and up to 1 year of jail time for a third offence
- Fines will be used to support the enforcement of the law
- Will not go into effect until 7 years after the law is passed

**Letter to the NCCC**

In order to promote our proposed law, we wrote to the Agricultural Bioethics group NCCC209.

To Whom It May Concern:

We as a concerned group of Rutgers Students have researched the issue of farm animal living conditions and see that the system is in dire need of a change. We believe that the best way to implement a change is through state legislation because of the success other states have had with animal welfare laws such as California’s Proposition 2. We have composed a list of policies that we think should be included in a proposed state law and are hoping that you will take these issues into consideration and help legitimize the law.

The basis of the law is to prohibit the use of battery cages for egg-laying hens, veal crates, and gestation crates for pregnant pigs. We believe that these animals are currently being subjected to the harshest of conditions and immediate action needs to be taken to prevent this type of cruelty.
Another very important aspect of the law would be to ban the sale of products that come from a farm or business that does not ban the cages and crates. We hope that this addendum will encourage more states to pass the law in order to continue selling their products to all states.

In order to enforce the law, there should be a fine of up to $10,000 for first time offenders, $100,000 for a second offense (depending on severity of offense) and up to 1 year of jail time for repeat offenders. These amounts are a guideline which can change at your discretion. We also want to use the fines to pay the enforcing agency to help strengthen the current lack of enforcement. Once passed, the law would not go into effect for 5 years to give farmers and business owners enough time to renovate their facilities in compliance with the law.

What we are asking of you is to take these proposed policies into consideration and use your resources to make it a legitimate law. We also hope that you can help identify the group that would be responsible for this law. One of the issues with Proposition 2 is that there is no clear mention of who will enforce it. Many people fear that this will keep policies from being implemented by all California farmers. A clearly stated enforcement board would ensure proper enforcement. Farm animal welfare is very important to our group, as it is to yours. We hope you can help us change the fate of farm animals in the near future.

Sincerely,

Alyssa Carrara and Katelyn Collins

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Letters to the Editor

Sent to The Sacramento Bee
November 7th, 2012

Dear Editor,

Re “California egg farmers frustrated by unclear mandate over chicken cage size” (October 28): I think Proposition 2 is a fantastic law that I hope will influence other states to enact similar laws.

Unfortunately, the vague restrictions on cage sizes are shining a negative light on Prop 2. I think the controversy over cage sizes is deflating the central purpose of Prop 2 which is to give certain farm animals more room. The Human Society needs to step in and help end the debate over proper cage sizes or they may lose support of the voters who helped pass the law. If Californians start to lose site of the animal welfare issues, I fear that other States may be resistant to similar farm animal confinement laws. My hope is that this issue can be resolved soon so California can be a successful example for other states.

Sincerely,
Katelyn Collins

Sent to the New York Times
November 14, 2012

Dear Editor,

It was frustrating to read about how eager a town was to fight for two old cows (“Oxen’s Fate Is Embattled as the Abattoir Awaits” The New York Times page A17 Oct. 29). Millions of cows are slaughtered each day on unsanitary factory farms, yet everyone is making a fuss about two senior citizen cows that lead lives of leisure?

I personally agree with the student that was quoted saying she only eats meat when she “knows where it comes from.” We as Americans have become too comfortable, expecting others to do the dirty work of slaughter and seeing the end result almost magically appear on our plates. Most of us conveniently forget the whole slaughter part.

Instead of protesting in this small town, these people should be complaining about the lack of regulation under the USDA on factory farms. More than likely the meat they normally eat comes from cows that suffered from the day they were born up until the moment they died. Why is there no regulation of the living conditions on factory farms? That’s something we should all be asking the USDA.

Sincerely,
Alyssa Carrara