

Animal Welfare Issues – Locally and Nationally

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Abstract

State-based legislation continues to be proposed and enacted across the United States, varying from strict prohibition of particular housing systems in some states, to implementation of boards to formulate standards of animal care in other states. Within the tri-state region, Michigan now has legislation stipulating requirements for housing of veal calves, egg-laying hens, and gestating pigs, Ohio has appointed a Livestock Care Standards Board to adopt rules governing the care and well-being of livestock and poultry, and Indiana has extended the rule-making authority of the Indiana Board of Animal Health to establish standards for the care of livestock and poultry. Outside the tri-state region, a preponderance of proposed and recently enacted legislation pertaining to farm animal management and care also exists. The long-term implications of these legislative initiatives remain unknown. However, further legislative action seems certain, which raises concerns about inconsistencies in the rules and standards adopted in different states and the implications for animal well-being and long-term viability of certain industry practices.

Introduction

Animal welfare continues to be an important issue for animal agriculture, including the dairy industry, both locally and nationally. State-based legislation continues to be proposed and enacted, which can potentially significantly impact farm animal

production practices. Scandalous undercover videos and stories purporting to reveal the truth about farm animal management and care continue to make headlines across the country. Being aware of what is happening in relation to farm animal welfare issues and continuing to question why this is the case, and what can be done to address these animal welfare concerns, remains fundamentally important for both the dairy industry and animal agriculture in general.

Local Animal Welfare Issues

Michigan

On October 12, 2009, Michigan governor Jennifer Granholm signed into law legislation that required that veal calves, egg-laying hens, and gestating sows not be tethered or confined in a manner that prevents such animals from lying down, standing up, fully extending their limbs without touching the side of an enclosure, or turning around freely. The law does not apply to calves raised for veal until October 1, 2012, and for egg-laying hens and gestating sows until 2019.

Prior to the passage of this legislation, there was a threat of a ballot initiative being proposed for 2010, which would have had similar requirements related to housing of veal calves, pigs, and laying hens. Earlier versions of the legislation were also proposed, which would have seen the creation of a 12-member council to review and possibly

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recommend updated animal care standards at least every 5 years and require audits of livestock farms.

Ohio

In November 2009, 64% of Ohio voters supported a constitutional amendment to create the Ohio Livestock Care Standards Board, a 13-member board charged with adopting rules governing the care and well-being of livestock and poultry in the State (dairy and beef cattle; veal calves; pigs; laying hens, meat chickens, and turkeys; sheep and goats; alpacas and llamas and; horses, ponies, mules and donkeys). In carrying out its purpose, the board shall endeavor to maintain food safety, encourage locally grown and raised food, and protect Ohio farms and families. In April 2010, the members of the board were announced, which include:

1. The director of the State department that regulates agriculture (chairperson)
2. Ten members appointed by the Governor with the advice and consent of the Senate:
 - a. One member representing family farms,
 - b. One member who is knowledgeable about food safety in the state,
 - c. Two members representing statewide organizations that represent farmers,
 - d. One member who is a veterinarian who is licensed in the state,
 - e. The State Veterinarian in the State department that regulates agriculture,
 - f. The dean of the agriculture department of a college or university located in the State,
 - g. Two members of the public representing Ohio consumers, and
 - h. One member representing a county humane society that is organized under state law.
3. One member appointed by the Speaker of the House of Representatives who shall be a family farmer
4. One member appointed by the President of the Senate who shall be a family farmer.

The board appointed a Technical Research Advisory Committee, composed of academic experts, to research prevailing standards of livestock care and relay recommendations and draft standards to the board. Species-based subcommittees, composed of industry-based experts, were also appointed to help create standards that could be practically implemented.

Throughout the latter half of 2010, the board, the advisory committee, and all of the species subcommittees held regular meetings, all of which were open to the public, to discuss existing industry standards and guidelines, and begin drafting standards for the state of Ohio. As of March 2011, draft standards have been developed for all covered species, as well as standards covering general considerations, euthanasia, disabled and distressed livestock, and civil penalties. The general considerations and the disabled and distressed livestock standards are making their way through the rule-making process, and the standards for dairy and beef cattle, and sheep and goats, are currently open for public comment. Standards for euthanasia and the civil penalties became effective on January 20, 2011. Further information about the board, and effective and proposed standards, is available at: <http://www.ohiolivestockcarestandardsboard.org>

The standards consist of general requirements related to:

- provision of sufficient quality and quantity of feed and water,
- housing,
- animal handling and use of different handling devices (e.g., electric prods),
- health and husbandry procedures (e.g., castration, tail docking), and
- transport.

Some examples of specific requirements for veal calves and dairy cattle include:



- All newborn calves must be fed colostrum, or a colostrum replacement, within the first 24 hours of life.
- For horn removal, disbudding prior to eruption is permissible without pain management. For dehorning after eruption, pain management must be used.
- Until December 31, 2017, tail docking can be performed using elastrator castration bands in a manner that will result in the least amount of pain, and under the advice and consent of a licensed veterinarian. Any other method of tail docking must be performed by a licensed veterinarian.
- Effective January 1, 2018, tail docking can only be performed by a licensed veterinarian and if the procedure is determined to be medically necessary.
- Calves with navels that have not dried after birth must not be loaded for transport to a terminal market, non-terminal market, or a collection facility.

The standards related to housing of veal calves are currently being reviewed and reconsidered. In January 2010, the Humane Society of the United States (HSUS), among others, announced that they intended to propose an initiative for the November 2010 Ohio ballot, requiring the Livestock Care Standards Board to adopt certain minimum standards. However, on June 30, 2010, it was announced that then Governor Ted Strickland, HSUS, and Ohio agricultural leaders had reached an agreement. Specifically, HSUS had agreed to drop their ballot effort and the state had agreed to a number of livestock issues and regulations. Agreed issues included phasing out the use of veal crates by 2017 and gestation crates used by the pig industry over the next 15 years. Draft veal standards were written which met the requirements of the agreement brokered between the parties, but at a board meeting in early March 2011, the board voted 6-5 to rewrite the veal standards to allow the veal industry to continue to

house calves in crates which do not allow the calves to turn around during the first 10 weeks of life. The final outcome on the requirements for veal calf housing is still unknown, although in a press release, HSUS has stated “a phase-out of veal crates is a core element of the 8-point animal welfare agreement, and if the Livestock Board guts that provision by allowing calves to be immobilized for more than half of their lives, we will have little choice but to renew the effort for a ballot initiative that we had hoped had been averted through a balanced and forward-looking agreement” (HSUS, 2011).

The threat of additional ballot initiatives, the agreement with multiple specific requirements, and a change in Governor and Director of Agriculture, who chairs the board, have all created difficulties and uncertainties in the process of writing standards in Ohio. However, there have also been other problems and challenges, including the perception, real or imagined, that the make-up of the board is too pro-agriculture, and that the board is interested in upholding the status quo at the expense of improving animal welfare. These criticisms and issues are problematic, given that several other states have also created, or are considering creating, boards with a similar purpose to Ohio’s, or introducing farm animal care standards, including Indiana, Kentucky, Louisiana, Nebraska, New York, Oregon, and West Virginia. Ohio’s attempts to stipulate requirements for farm animal care and well-being are being closely watched and may have substantial impact on initiatives and outcomes in other states.

Indiana

Following closely on the heels of the formation of the Ohio Livestock Care Standards Board, Indiana passed legislation in early 2010 which granted more power to the already existing Indiana Board of Animal Health, by extending its rule-making and guideline-making authority, which allows the board to adopt rules to establish

standards governing the care of livestock and poultry. The legislation passed through both the house and senate without a single dissenting vote. The Governor, Mitch Daniels, was also quick to sign the bill. The changes became effective January 1, 2011. The 11-member board includes 6 members who must be engaged in livestock (dairy, swine, beef, horse, and sheep) or poultry production, 4 veterinarians, and someone affiliated with a licensed livestock market. The bill's language states that the board must consider the following when adopting standards:

- The health and husbandry of the livestock and poultry,
- Generally accepted farm management practices,
- Generally accepted veterinary standards and practices, and
- The economic impact the standards may have on:
 - livestock and poultry farmers,
 - the affected livestock and poultry sector, and
 - consumers.

National Animal Welfare Issues

Legislation proposed and enacted in states outside the tri-state region

Legislation banning intensive confinement of farm animals continues to be proposed and enacted on a state-by-state basis across the USA. For example, in 2009, Maine became the sixth state to ban the use of veal crates and sow gestation crates, effective January 1, 2011. A bipartisan state bill was introduced in Massachusetts in January 2011, which would require veal calves, gestating pigs, and laying hens to have enough room to turn around freely, lie down, stand up, and fully extend their limbs.

A coalition of animal welfare and other groups, Washingtonians for Humane Farms, is

currently in the process of gathering signatures to place a measure on the November 2011 Washington state ballot to prevent the confinement of egg-laying hens. Principal supporters include HSUS, Farm Sanctuary, and many local humane societies. In contrast to previously passed and introduced animal housing requirements legislation, this act has more specifically defined what types of confinement housing will be prohibited and the minimum amount of useable floor space that must be provided. If passed, the legislation would take effect on January 1, 2018.

In an effort to counter the proposed Washington ballot initiative, a pair of House and Senate bills has been introduced in the Washington legislature to establish minimum standards for egg-laying operations. These bills would require effective August 1, 2012, the United Egg Producers Animal Husbandry Guidelines, which are currently voluntary, industry-based guidelines, to become mandatory.

Routinely-performed husbandry procedures, not just confinement housing systems, are now also starting to attract state-based legislative attention. Effective January 1, 2010, tail docking of dairy cows became prohibited in the state of California. The bill was introduced in February 2009, passed in September, and was supported by HSUS, as well as the California Veterinary Medical Association, American Society for the Prevention of Cruelty to Animals (**ASPCA**), California Cattlemen's Association, and California Farm Bureau. The bill was one of the first to be introduced after the reorganization of the California Senate Committee on Food and Agriculture into a body that includes animal welfare as one of its priorities, following the landslide passage of Proposition 2, the Prevention of Farm Animal Cruelty Act, in California in November 2008.

After an undercover video was released in January 2010, showing mistreatment of animals on

a New York dairy farm, including animals being tail docked, a member of the New York State Assembly introduced a bill to prohibit bovine tail docking in the state of New York, perhaps buoyed by the successful enactment of similar legislation in California. The New York bill continues to make its way through the legislative process and so could be enacted in the future. A similar bill was introduced in Illinois in 2009, although that bill was unsuccessful. However, in February 2011, a new bill was introduced to the Illinois House, that would prohibit the docking of bovine animals' tails.

Further legislation to prohibit tail docking of dairy cattle may also be likely in other US states, given that the practice is also banned in a number of other countries, and it is becoming increasingly problematic to justify docking from both an ethical and scientific perspective (Croney and Anthony, 2011). Those who choose to dock continue to cite benefits, such as improved milk hygiene, udder cleanliness and health, and milker comfort, health, and hygiene. However, scientific investigations have failed to validate these benefits. No differences have been observed in udder cleanliness or milk hygiene in docked cows (Matthews et al., 1995; Eicher et al., 2001; Tucker et al., 2001; Schreiner and Ruegg, 2002). However, higher fly loads on docked cows have been noted (Ladewig and Matthews, 1992; Eicher et al., 2001; Eicher and Dailey, 2002), which may cause irritation to the animal and disturb feeding and resting behavior. Further, the practice raises debate about whether docking causes chronic pain to the cow (Eicher et al., 2006; von Keyserlingk et al., 2009). Recently, Lombard et al. (2010) reported that tail docked cows were actually dirtier than cows with intact tails, suggesting that environmental management is a better determinant of cow cleanliness than docking. The main benefit of docking appears to be worker comfort, and since alternatives such as improved management of the cow's environment or switch trimming are available to support both cow hygiene and worker comfort, the justification for docking is increasingly dubious

and contemplation of further legislative prohibition is likely.

The HSUS and Farm Sanctuary have filed petitions with the Food Safety and Inspection Service (**FSIS**) to make rules regarding the disposition of non-ambulatory disabled ('downer') veal calves and other non-ambulatory disabled livestock at slaughter. The HSUS petition requests FSIS to amend the current regulations, which allow downer veal calves to proceed to slaughter if they are able to rise and walk after being rested, to require that non-ambulatory disabled veal calves be condemned and promptly and humanely euthanized. The FSIS has agreed with the HSUS petition, acknowledging that allowing non-ambulatory disabled veal calves to be rested rather than immediately euthanized may create an incentive for slaughter establishments to inhumanely force such calves to rise and for veal calf producers to send weakened calves to slaughter (Federal Register, 2011). However, before initiating rulemaking, FSIS has determined that it would be useful to solicit public input on the issues raised in the petition.

The second petition to FSIS, submitted by Farm Sanctuary, requests that the Federal meat inspection regulations be amended to prohibit the slaughter of all non-ambulatory disabled pigs, sheep, goats, and other amenable livestock and require such animals to be euthanized. However, FSIS has not yet determined how it intends to respond to the petition and is requesting public comments on the implementation of the proposed rules. These comments will be considered before proposing rules related to humane handling of livestock other than cattle at official slaughter establishments.

An interesting recent development in Iowa is the introduction of a bill that would aim to protect farmers from the activities of animal activists, particularly in relation to obtaining undercover video on livestock or poultry farms. The bill would prohibit a person from tampering with property associated

with an animal facility or crop operation, including producing or distributing certain audio or visual recordings. The bill also would prohibit obtaining access to an animal facility or crop operation by false pretenses.

Additional industry responses to animal welfare issues across the USA

The National Dairy FARM Program: Farmers Assuring Responsible Management™ (www.nationaldairyfarm.com) was launched in 2009 to provide consistency and uniformity to best practices in animal care and quality assurance in the dairy industry. The FARM program is a nationwide, verifiable program of animal care best management practices, with third-party verification to ensure the validity and the integrity of the program to customers and consumers. However, it should be noted that some scientists have suggested that the FARM program is not rigorous or specific enough in addressing certain aspects of dairy animal welfare. While participation in the FARM program currently remains voluntary, many co-ops and processors have been moving towards requiring their suppliers to participate in the program, including California Dairies, Inc. (CDI) and Land O'Lakes. On-farm evaluations are currently being conducted for both Land O'Lakes and CDI producers.

Conclusions

The preponderance of proposed and recently enacted legislation pertaining to farm animal management and care in states across the USA would seem to suggest growing public demand for animal welfare assurance, and a general lack of trust in the animal agriculture industry to self-regulate (Croney and Anthony, 2011). Indeed, a 2003 Gallup poll found 62% of respondents supported passing strict laws governing farm animal treatment. Not only do Americans apparently have concerns about farm animal well-being, when they are in a position to act on their concerns via the voting booth,

they tend to do so in large numbers. Interestingly, legislature-initiated measures also often pass by wide margins. The long-term implications of these legislative initiatives remain unknown. However, further legislative action seems certain, which raises concerns about inconsistencies in the rules and standards adopted in different states.

One implication of the variation in animal care requirements across states is that a precedent has been set that suggests that science can take a back seat to politics in regard to setting policies for farm animal welfare. This is especially problematic when deals are struck with animal protection groups to phase out certain production practices, despite lack of understanding of acceptable viable alternatives. Moreover, specific requirements of such deals continue to evolve, depending on how each state has interpreted its options relative to the agreements reached. For example, there are now major inconsistencies in space allocation requirements for laying hens in California, Michigan, and Ohio, thus disproving that science is being properly used to determine welfare standards (Croney, 2011). The latest proposal by animal protection groups in Washington, which explicitly forbids the use of any type of cage-housing for laying hens, is clearly a reaction to suggestions that so-called enriched cages for laying hens might suffice to provide for birds' behavioral needs, as suggested by industry members in Ohio and by the American Humane Association. However, no compelling, scientific reasons have been offered to explain why enriched cages are an inappropriate form of housing for laying hens or why they are less acceptable than open floor systems.

Likewise, in certain areas such as veal calf housing and the issue of tail docking of dairy cows, the animal industries have been equally willing to disregard or cherry-pick current scientific findings to justify maintenance of practices that are questionable on a scientific (and ethical) basis (Croney and Anthony, 2011).

The development of a range of animal welfare assurance programs, including the FARM program, may go some way towards reassuring consumers that farmers provide adequate care for their animals. However, legislation of animal care issues is likely to continue, and the implications for animal well-being and long-term viability of certain industry practices remain unknown. Regardless, it is essential that science is a key driver in the process of creating thoughtful, practical standards for animal care and welfare that are both scientifically and ethically justified.

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