

CRS Report for Congress

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Humane Treatment of Farm Animals: Overview and Issues

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Summary

Animal protection activists in the United States have long sought legislation to modify or curtail some practices considered by U.S. agriculture to be both acceptable and necessary to animal health. Some Members of Congress over the years have offered various bills that would affect animal care on the farm, during transport, or at slaughter. The House and Senate Agriculture Committees from time to time have held hearings on farm animal welfare issues, but their members generally express a preference for voluntary rather than regulatory approaches to humane methods of care. This report will be updated if significant developments ensue.

Background

USDA's Animal and Plant Health Inspection Service (APHIS) is responsible for enforcing the Animal Welfare Act (AWA; 7 U.S.C. 2131 *et seq.*), which requires minimum standards of care for certain warm-blooded animals bred for commercial sale, used in research, transported commercially, or exhibited to the public. However, the act excludes commercial farm animals (as well as birds, rats, and mice) from coverage.

The Humane Methods of Slaughter Act (7 U.S.C. 1901 *et seq.*), enforced by USDA's Food Safety and Inspection Service (FSIS), governs the humane slaughter and handling of livestock (but not poultry) at packing plants. Also, under the so-called Twenty-Eight Hour Law (49 U.S.C. 80502, last amended in 1994), many types of carriers (but apparently not trucks) "may not confine animals in a vehicle or vessel for more than 28 consecutive hours without unloading the animals for feeding, water, and rest."

At the state level, laws to prevent deliberate animal cruelty sometimes apply to farm animals, but few states have prescribed on-farm treatment standards. Florida voters in 2002 approved a ballot measure outlawing gestation crates for breeding pigs, and animal

activists have been lobbying in other states to force various changes in farm animal care.¹

Criticisms of Animal Agriculture Practices. Many animal protection groups assert that today's intensive farming systems perpetuate standard practices that in their view are harmful to animals' well-being. Examples include:

- Rearing large numbers of livestock or poultry in close confinement with little or no room for natural movement and activity;
- Isolating veal calves in small crates;
- Performing surgery such as docking hog tails, dehorning cattle, and trimming poultry beaks (done so that confined animals do not hurt each other);
- Permitting commercial movement of nonambulatory livestock ("downers") that are disabled due to sickness or injury;
- Not fully stunning poultry (which are not covered by the Humane Slaughter Act) and, sometimes, livestock (most of which are covered) before slaughter;
- Slaughtering horses and other equines for human food.

These groups sometimes link intensive animal agriculture with soil and water pollution, food safety problems (e.g., misuse of animal drugs, and foodborne bacterial illnesses), and the decline of smaller-scale, "family" farms. They also believe that if regulators approve future applications of biotechnology — such as animal cloning, genetic alterations to improve productivity, and the use of livestock as "factories" for pharmaceuticals and human organs — animal well-being will be compromised. Some animal rights groups advance the more controversial argument that humans have no right to use animals for any purpose, including for food.

Defense of Animal Agriculture Practices. Farmers and ranchers maintain that they understand their animals' welfare needs and address them adequately. They express concern that efforts by poorly informed critics could lead to the imposition of costly and counterproductive regulations harmful to their industry and the animals alike. Agricultural, food processing, and a number of animal science groups have argued that support for science, education, and voluntary guidelines are more effective ways of assuring animal welfare.

Recognizing that a growing number of customers are concerned about animal treatment, some within the food industry are developing humane animal care guidelines and requiring suppliers to adhere to them. Chains such as McDonald's, Burger King, and Wendy's in the late 1990s began requiring various meat and poultry suppliers to meet specified care standards. In 2001 the Food Marketing Institute, which represents supermarkets, and the National Council of Chain Restaurants began an animal welfare audit program to develop, in cooperation with animal producer groups and animal scientists, more data on animal welfare on farms and in slaughterhouses, and to help their members use it to implement standards of care, with third-party compliance audits.

¹ See also CRS Report 94-731, *Brief Summaries of Federal Animal Protection Statutes*; and the Animal Welfare Information Center at USDA's National Agricultural Library, [<http://www.nal.usda.gov/awic/farmanimals/farm.htm>].

Some animal welfare groups contend that the industry standards are not strong or specific enough, and/or are not enforceable. Emerging from the animal protection movement itself is a “Certified Humane Raised and Handled Label,” available for placement on retail food products that come from animals raised under welfare standards set by Humane Farm Animal Care, a nonprofit group.

In Congress

Members of Congress have offered various proposals to require changes in the treatment of animals on the farm, during transport, or at slaughter. Members of the House and Senate Agriculture Committees, which generally have jurisdiction over such bills, have held hearings on various farm animal welfare issues, but they generally express a preference for voluntary rather than regulatory approaches to improving animal care.

Horse Slaughter. During their respective floor debates on USDA’s FY2006 appropriation (H.R. 2744; P.L. 109-97), the House and Senate separately approved amendments banning the use of funds under the act to pay for the inspection of horses destined for human food. The House (Sweeney) amendment passed on June 8, 2005, by a 269 to 158 vote, and the Senate (Ensign) amendment passed on September 20, 2005, by a 69 to 28 vote. Although conferees retained the funding ban, they added language, not in either floor amendment, delaying its effective date until 120 days following enactment.

The presumption was that since inspection is required for any meat to enter the human food supply, a ban on inspection funding might halt the practice. However, the final House-Senate conference report states: “It is the understanding of the conferees that the Department is obliged under existing statutes to provide for the inspection of meat intended for human consumption (domestic and exported). The conferees recognize that the funding limitation in Section 794 prohibits the use of appropriations only for payment of salaries or expenses of personnel to inspect horses.” Those interested in the horse slaughter provision are now studying this additional conference language to confirm whether it has left open the possibility that horse slaughter will continue under some other arrangement, such as voluntary FSIS inspection. (Voluntary inspection is now conducted for some species, like bison, under authority of the Agricultural Marketing Act of 1946, with funding through industry user fees rather than through FSIS appropriations).

Last year, three foreign-owned plants in Texas and Illinois slaughtered about 66,000 U.S. horses for human food, virtually all for export to parts of Europe and Japan. Horse protection groups have been seeking a ban on such slaughter for several years; a Sweeney bill (H.R. 503) with the same objective has been introduced in the 109th Congress. Policy issues focus on the acceptability of slaughtering horses for food, and on how to dispose of and/or care for unwanted horses if such slaughter were no longer permitted.²

Downers. The Senate-passed version of H.R. 2744 also had included a floor amendment, sponsored by Senator Akaka, to prohibit nonambulatory livestock (also called “downers”) from being used for human food. The Akaka amendment would have applied not only to cattle, but also to any sheep, swine, goats, horses, mules or other

² For more information, see CRS Report RS21842, *Horse Slaughter Prevention Bills and Issues*.

equines unable to stand or walk unassisted at inspection. The House version lacked such a ban, and conferees removed the Senate language prior to final passage.

H.R. 2744 is not the first time the downer issue was debated in Congress. The 2002 farm law contains a requirement that USDA investigate the treatment of downer livestock, and issue regulations if findings warrant (Sec. 10815). In November 2003, the full Senate had approved an amendment to its version of the 2004 USDA appropriation that would have barred the use of federal funds to inspect downer livestock (cattle, sheep, swine, goats, horses, mules, or other equines). The House in July 2003 had defeated, 199-202, a similar floor amendment (H.Amdt. 230) during its consideration of the USDA FY2004 money bill (H.R. 2673). Both amendments were similar in purpose to bills (S. 1298 and H.R. 2519) introduced by Senator Akaka and Representative Ackerman.

Conferees on the FY2004 consolidated appropriation (H.R. 2673; P.L. 108-199), which incorporated USDA's FY2004 appropriation, had deleted the Senate-passed amendment. In its place, the House-Senate conference report (H.Rept. 108-401) noted that USDA had only recently begun data collection on the downer livestock investigation required by the 2002 farm bill, and conferees directed the Secretary to expedite this work.

After a cow with bovine spongiform encephalopathy (BSE or "mad cow" disease) was found in December 2003 in Washington State, the Secretary of Agriculture — among other things — administratively invoked an immediate ban on all nonambulatory cattle (considered to be at higher risk for BSE) from slaughter establishments. The number of such animals at the time was estimated by the Secretary to be 150,000-200,000 out of the 35 million U.S. cattle slaughtered yearly. Officials did note that animals can become unable to walk for non-BSE reasons such as broken bones, and they are not necessarily hazardous to the food supply.³

Some officials had argued that a downer ban could be deleterious both to food safety and to animal disease prevention. This argument has contended that euthanizing and removing downed animals before arrival at a federally inspected slaughterhouse could deny USDA veterinarians the opportunity to see and evaluate them for safety and disease purposes. In response, USDA officials said they have been working more closely with the industry to collect samples on the farm, at rendering facilities, and other places. Meanwhile, many animal protection advocates believe a legislated downer ban is still necessary to attain animal welfare benefits — not only for cattle but for other farm-raised livestock not covered by the Secretary's BSE-related ban.

Humane Slaughter. With FSIS under criticism for what some said was lax enforcement of the humane slaughter act, lawmakers included, in the 2002 farm law (P.L. 107-171, Section 10305), a resolution urging USDA to fully enforce the act and to report the number of violations to Congress annually. Since then, committee reports accompanying the annual USDA appropriations measures have earmarked millions of dollars to FSIS for full-time inspectors to oversee compliance, and for incorporation of a humane activities tracking system into the agency's field computer systems. In the 102nd through 104th Congresses, legislative proposals had been introduced to include poultry under the humane slaughter act, but no action was taken on them.

³ See also CRS Issue Brief IB10127, *Mad Cow Disease: Agricultural Issues for Congress*.