



CRS Report for Congress

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. Members of Congress over the years have offered various bills that would affect animal care on the farm, during transport, or at slaughter; in 2007 these include H.R. 503, S. 311, H.R. 661, S. 394, and H.R. 1726. Members of the House and Senate Agriculture Committees generally have expressed 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 farm animals raised for food and fiber 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 "may not confine animals in a vehicle or vessel for more than 28 consecutive hours without unloading the animals for feeding, water, and rest."¹

¹ See also CRS Report RS22493, *The Animal Welfare Act: Background and Selected Legislation*, by Geoffrey S. Becker; CRS Report 94-731, *Brief Summaries of Federal Animal Protection Statutes*, by Henry Cohen; and the USDA's Animal Welfare Information Center, [http://riley.nal.usda.gov/nal_display/index.php?tax_level=1&info_center=3&tax_subject=170].

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; Arizona voters did the same, along with a veal stall ban, in 2006. Bills proposing similar bans reportedly were pending in a number of other state legislatures in early 2007.

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 (e.g., housing sows in small gestation crates);
- Isolating veal calves in small crates;
- Performing surgery such as docking hog tails, dehorning cattle, and trimming poultry beaks (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.

Some of these groups 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 meat and poultry suppliers to meet certain 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. In January 2007, Smithfield Farms, the largest U.S. pork producer, announced that it would require its hog producers to phase

out over 10 years the use of sow gestation crates, which, activists have long argued, provide far too little room for an animal to move. Some animal welfare groups contend that the industry standards are not strong or specific enough, and/or are not enforceable.

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. Three foreign-owned plants in Texas and Illinois slaughtered nearly 105,000 U.S. horses for human food in 2006, all for export. During respective floor debates on USDA's FY2006 appropriation (H.R. 2744; P.L. 109-97), the House and Senate approved amendments to ban use of appropriated funds to pay for the inspection of these horses. 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 would 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." Subsequently, the three plants petitioned USDA for voluntary ante-mortem inspection services, as authorized by the Agricultural Marketing Act of 1946, with the ante-mortem portion funded by user fees. USDA agreed to this plan, which took effect in early 2006.

Several court decisions in early 2007 reportedly have ended horse slaughter (for human food) in the three plants, at least for the present. On January 19, a federal appeals court panel declared a Texas law banning commerce in horsemeat to be enforceable, effectively closing the two plants there. On March 28, a U.S. district judge ruled that USDA had not followed proper rulemaking procedures in implementing the fee-for-service program (above), and the Illinois plant then also ceased food slaughter operations.²

Horse protection groups have sought a legislated ban (which would prevent the plants from reopening) for many years, including bills now pending in the 110th Congress (H.R. 503; S. 311). Policy issues focus on the acceptability of the practice and on how to dispose of or care for unwanted horses if such slaughter were no longer permitted.

Downers. In 2005, the Senate-passed version of H.R. 2744 also had included a floor amendment, sponsored by Senator Akaka, to prohibit nonambulatory livestock (also

² "Ruling effectively bans slaughtering horses for export," *The Courier-Journal*, Louisville, KY, March 31, 2007. USDA's Food Safety and Inspection Service confirmed in an April 9, 2007, e-mail that the three plants are no longer slaughtering horses for human consumption. See also CRS Report RS21842, *Horse Slaughter Prevention Bills and Issues*, by Geoffrey S. Becker.

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 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. The proposal has re-emerged in the 110th Congress as S. 394 and H.R. 661. The bills also would require that all nonambulatory livestock be humanely euthanized rather than slaughtered.

Elsewhere, 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 several 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 were introduced to include poultry under the humane slaughter act, but no action was taken on them.

Federal Procurement Standards. A proposal in 2006 that did not pass but has been reintroduced into the 110th Congress as H.R. 1726 would have required the federal government to purchase products derived from animals only if they were raised according to humane standards (i.e., had adequate shelter with sufficient space to walk and move around with limbs fully extended, had adequate food and water with no starvation or force-feeding, and had adequate veterinary care).

Animal Enterprise Terrorism Act. The President signed a bill, passed late in the 109th Congress, creating stronger penalties for both violent and non-violent “terrorist” actions against animal enterprises, including ranching and farming (P.L. 109-374).

³ See also CRS Report RL33037, *Bovine Spongiform Encephalopathy (BSE or “Mad Cow Disease”): Current and Proposed Safeguards*, by Sarah A. Lister and Geoffrey S. Becker.