

# Animal Welfare Legislation and Standards for Farmed Animals: The Lack Thereof

**Brittany Schweiger**

Department of Environmental Studies  
Lake Forest College  
Lake Forest, Illinois 60045

The definition of an animal often varies in law and legislation depending on what humans need from that species. For many years, animals involved in research, such as mice and rats, were exempt from animal laws so as not to affect their use in a research laboratory. The Animal Welfare Act, when it was first enacted in 1966, only considered "live dogs, cats, monkeys (nonhuman primate mammals), guinea pigs, hamsters, and rabbits" to be worthy of protection. In other words, the species most Americans might keep as a family pet (Ibid). Animals that are viewed as a source for clothing or food are often exempt from these laws. Thus, many farm animals are often left out of animal welfare and other statutes. Today, in a world of instant information, the lack of legislation for these animals is coming to light. The Animal Welfare Act and voluntary welfare audits need to be amended to include animals raised for food and mandatory third-party federally approved welfare audits.

The Animal Welfare Act was enacted as a response to public outrage over the media-reported household pets being stolen and sold into research laboratories (Ibid). To prevent theft, there were also requirements to license cats and dogs of dealers and research facilities (Ibid). Originally deemed the Laboratory Animal Welfare Act, the law included "minimum standards for the care, housing, sale and transport" of the aforementioned species that were on the property of animal laboratories or dealers (Wagman, Waisman, and Frasch, 508). In 1970, an amendment was passed to change the name to the Animal Welfare Act (AWA). This amendment also extended welfare coverage to "other warm-blooded animals as designated by the Secretary of Agriculture, when used in research, exhibition or the wholesale pet trade" (Ibid). In 1972, the AWA was amended to exclude "birds, mice, rats, horses and farmed animals from the definition of 'animal'" (Ibid). It wasn't until 1998 that the Alternative Research and Development Foundation challenged this amendment and birds, mice, and rats were included into the AWA, although it wasn't signed into law until 2000 (Ibid). In 2004, an amended definition of the AWA's definition of "animal" was approved to exclude specifically "mice of the genus *Mus* and rats of the genus *Rattus*, bred for use in research" (Ibid, 548).

Three exemptions to the definition of "animal" are currently included in the Act. The first is the previously discussed exclusion of birds, rats, and mice for research. Horses that are not being used for research purposes are also exempted (Ibid, 548). The third pertains directly to farm animals: "other farm animals, such as, but not limited to livestock or poultry, used or intended for use as food or fiber, or livestock or poultry used or intended for use for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber" (Ibid). Based on these exemptions, it is clear that the AWA does not offer sufficient regulation of farm animals. Only farm animals that are used for research are included in the Act.

Given that the AWA does not cover farm animals, it is not surprising that there is minimal federal legislation regulating the treatment of animals raised for food. As of 2005, more than 17,000 animals are "slaughtered for food each minute in the United States alone" (Wagman, Waisman, and Frasch, 419). With an industry of this scale, the animals involved are no longer viewed as sentient beings; they are simply an economic commodity. Once their individuality is lost, the ethics and minimal treatment requirements provided to other animals are as well. In the United States, there are no federal laws pertaining to the welfare of animals bred or raised on a farm (Ibid). In fact, there is a single law, law 49 U.S.C. §80502, that relates to animals raised for food. It "allows them to be transported for up to twenty-eight hours without any water, food, or rest" (Ibid). If the journey is longer than 28 hours, the animals are required to be unloaded and given a minimum of five hours of rest, food, and water. Chickens are not included in the law, even though they "represent ninety percent" of transported animals for food (Ibid).

Even at the state level, few states have statutes pertaining to animals raised for food. There are 36 states that "expressly exempt" ani-

mal agriculture practices from animal cruelty laws (Ibid). Some states allow their state agriculture departments to be in control of defining and enforcing what is considered cruel. Logically, however, the interests of these agencies "lie with the agribusiness industry and not with animal welfare or protection" (Ibid). The lack of legislation at the state and federal level has left those who care about animal welfare having to use a variety of methods, such as bringing awareness to the general public or legal action as an attempt to compensate.

Rising awareness of public knowledge about the United States' animal agriculture industry and increasing understanding of animals' minds has resulted in some voluntary changes to the livestock industry. The American Meat Institute, a trade association that "represents companies that process 95 percent of red meat" in the United States has been "encouraging its members" to submit to voluntary animal welfare audits and adhere to voluntary welfare guidelines since 1991 (NAMI, 2015 & NAMI, 2016). Other voluntary initiatives include "enhanced animal handling training...and the use of self-audits to maintain continuous improvement" (NAMI, 216)." Aside from meat handling facilities, many restaurants and other meat retailers have implemented their own methods to improve animal standards such as animal welfare committees and requiring their meat to come from facilities that conduct animal welfare audits (NAMI). Dr. Temple Grandin, a leading expert in animal welfare, has been instrumental in creating animal welfare in the animal agriculture industry.

Grandin has devised guidelines for animal welfare audits that can be applied to cattle, pigs, and chickens based on data she has collected for the U.S. Department of Agriculture. A welfare audit is, in other words, a "welfare screening test" to determine how animals are being handled. Her guidelines focus on critical control points (CCPs) (Grandin, T., 2013). CCPs can be used at large scale plants as well as on farms (Grandin, T., 2016). A CCP is most effective when it can quantifiably measure the condition of an animal through direct observation that multiple auditors can agree upon (Ibid). Thus, Grandin has developed CCPs for beef cattle, dairy cattle, pigs, egg laying hens, and broiler chickens/turkeys for animals on farms and in slaughter plants. A few examples of CCPs are:

- Percentage of lame animals
- Percentage with poor body condition
- Percentage of dirty animals
- Percentage with poor coat/feather condition
- Percentage with injuries
- Percentage with abnormal behavior
- Percentage falling or vocalizing during handling (Ibid)

Many farms and slaughter plants have incorporated Grandin's welfare audit guidelines into their voluntary self-audits. There are also third party programs that conduct animal welfare audits.

One third party is the nonprofit program, Animal Welfare Approved, which "is a food label for meat and dairy products that come from farm animals raised to the highest animal welfare and environmental standards" that was founded in 2006 (Animal Welfare Approved, 2013). Animal Welfare Approved is one of two food labels in the United States that "require audited, high-welfare slaughter practices" as well as being the sole label to require pasture access (Ibid). Animal Welfare Approved can be applied to all farmed livestock and poultry, including bison and is only awarded to family farmers with no fees to participating farms (Animal Welfare Approved, 2013). Their website includes comprehensive standards for beef and dairy cattle and calves, pigs, laying and broiler chickens as well as sheep, goats, turkeys, ducks, geese, bison, and even guidelines for working dogs. Farmers and slaughter plants who work with Animal Welfare Approved must apply and become certified with the program. Animal Welfare Approved will then audit these farms and plants at least once a year using "professional, impartial audits based on [Animal Welfare Approved] standards" (Animal Welfare Approved, 2013). While Animal Welfare Approved is a nonprofit, small scale program, the concepts and standards set by the program have been proven to be effective in maintaining quality lives and best practices for the animals raised for food.

Obviously, the rigorous standards that the Animal Welfare Approved program holds its participants to are not the norm across the animal agriculture industry in the United States. However, Animal Welfare Approved is just one example of successful implementation of improved farmed animal welfare guidelines. Another example is the critical control point auditing system Dr. Temple Grandin has developed. Data from welfare audits of McDonald's and Wendy's "had 0% cattle or pigs falling" after implementing her auditing criteria. In these audits, there were "more than 6000 cattle and 3000 pigs" observed (Grandin, T. 2016, Ibid). At federally

inspected beef slaughter plants, 78% of plants inspected were 100% effective in rendering cattle insensible with the first shot, 58% did not move any cattle with an electric prod, and 89% of plants had 0-2% of cattle vocalize during handling and restraint (Grandin, T., 2015). It is evident that taking farmed animal welfare into consideration does not necessarily mean reducing economic profit. These studies and programs have shown that it is possible to improve animal welfare at large and small scale farms and slaughter plants.

Clearly, changes need to be made to improve the lives of livestock and poultry raised and slaughtered for food in the United States. The first step is addressing that animals raised for livestock, such as cattle, pigs, and poultry are, in fact, animals and should be granted protection under federal acts such as the Animal Welfare Act. Providing these species with the definition of a living organism will help bring back the ethical standards that were lost when their status was demoted from animal to economic tool. Understandably, the anti-cruelty and welfare standards many other non-human animals, such as household pets, are held to will vary from those raised specifically for food. However, it is simply inconceivable that these farmed species are not given any protection or status at all in federal legislation. The next step is implementing minimum welfare standards that are federally enforced. Dr. Temple Grandin's guidelines as well as Animal Welfare Approved are examples of both minimal and optimal standards that should be taken into consideration when developing national standards. The third step necessary in improving the conditions of the animals involved in the animal agriculture industry is mandating third-party, federally approved welfare audits that hold the same standards as the legislation. It is ridiculous that the same plants and farms that treat their animals so poorly are allowed to audit themselves. An auditing system that is impartial is warranted to ensure welfare standards are truly being maintained. These changes cannot and will not take place without consumer involvement and a bottom-up reform. More transparency of the industry and the legislation as well as public education is needed to improve the animal agriculture industry and the animals involved.

*Note: Eukaryon is published by students at Lake Forest College, who are solely responsible for its content. The views expressed in Eukaryon do not necessarily reflect those of the College.*

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