

# 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 that prevent deliberate animal cruelty often (but not always) apply to farm animals, but few state laws 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.<sup>1</sup>

**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

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

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.<sup>2</sup>

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.<sup>3</sup>

## In Congress

In recent decades, 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 legislation, 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.

**Humane Slaughter.** In 2002, FSIS was under criticism for what some said was lax enforcement of the humane slaughter act. Lawmakers subsequently included, in the 2002 farm law (P.L. 107-171, Section 10305), a sense of Congress resolution calling for 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.

Legislative proposals to include poultry under the humane slaughter act were introduced in the 102nd through 104th Congresses, but no action was taken.

**Downers.** The 2002 farm law also 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 approved an amendment (S.Amdt. 2088) 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). Since inspection is required for any meat to enter the human food supply, the Senate amendment effectively would have prohibited downers from being slaughtered for human food, lowering their market value. 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, deleted the Senate-passed amendment. In its place, the House-Senate conference report (H.Rept. 108-401) noted

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<sup>2</sup> See [<http://www.awaudit.org/>].

<sup>3</sup> See [<http://www.certifiedhumane.com/>].

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 was estimated by the Secretary to be 150,000-200,000 out of the 36 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.<sup>4</sup>

Some food safety officials have criticized the downer ban, arguing that it could be deleterious both to food safety and to animal disease prevention. This argument contends that euthanizing and removing downed animals before arrival at a federally inspected slaughterhouse would deny USDA veterinarians the opportunity to see and evaluate them for safety and disease purposes. In response to such concerns, USDA officials said they are 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.

**Horse Slaughter.** During the June 8, 2005, floor debate on USDA’s FY2006 appropriation (H.R. 2744), the House approved, 269 to 158, an amendment by Representative Sweeney to prohibit funds to pay for the inspection of horses. The Senate’s committee-reported version does not contain the provision (floor action was pending in August 2005), so a conference committee could determine whether the amendment is retained. Currently, three foreign-owned plants in two states (Texas and Illinois) slaughter a total of about 66,000 horses annually for human food. The meat is exported primarily for consumption in parts of Europe and Japan. A number of 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.

Horses are shipped long distances to reach the three U.S. plants that slaughter them. Horse practitioners and welfare groups gained passage of language in the 1996 farm bill (P.L. 104-127, Title IX-A, Commercial Transportation of Equine for Slaughter, 7 U.S.C. note) that authorizes the Secretary of Agriculture to issue guidelines for regulating such transport, subject to available appropriations. APHIS developed the guidelines with the cooperation of horse groups, and they became effective February 5, 2002.<sup>5</sup>

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<sup>4</sup> See also CRS Issue Brief IB10127, *Mad Cow Disease: Agricultural Issues for Congress*.

<sup>5</sup> A somewhat related issue revolves around provisions of the Wild Free-Roaming Horses and Burros Act of 1971 (16 U.S.C. §1331 et seq.), which seeks to protect wild horses and burros on federal lands. Members of Congress have differed over whether such horses could be sold for slaughter for human food under certain circumstances. For more information, see CRS Report RS21842, *Horse Slaughter Prevention Bills and Issues*.