

Animal Welfare Legislation on the Horizon

Kay Johnson-Smith, Animal Agriculture Alliance

Email: kjohnson@animalagalliance.org

Thanks to modern agriculture, with its efficiencies and technology, one American farmer or rancher today is able to feed 155 people –more than ever before. Agricultural organizations have made great strides in developing animal care programs specific for their industries, and they continuously review and update them to incorporate new findings from research, as well as to meet consumer preferences. Yet these advances mean nothing to animal rights activist groups like the Humane Society of the U.S. (HSUS), People for the Ethical Treatment of Animals (PETA) and many others which work to eliminate animal agriculture altogether.

Activist campaigns targeting modern farming and ranching are increasing both in number and intensity. Legal challenges, negative ad campaigns, *undercover* videos, and shareholder resolutions are just a few of the tactics used to create distrust among consumers and investors in agricultural businesses. All of these disparaging acts are then used to drive the activists' political agenda through either legislation or ballot initiatives.

Since 2002, ballot initiatives have been the most influential means by which animal rights groups have driven legislative changes directly impacting animal agriculture. Beginning in Florida in 2002, activists tested the waters running a ballot initiative campaign which resulted in a state Constitutional amendment banning gestation stalls for pregnant sows. While Florida reportedly only had two farmers who used gestation stalls, the activists spent nearly \$2 million dollars on this campaign.

Ultimately, the two farmers went out of business because they could not afford to operate under the standards.

Emboldened by their success, in 2004, activists then found a loophole in state statutes in New Jersey and forced the Department of Agriculture to establish farm animal care standards. While the process utilized standard rule-setting procedures, the activists legally challenged the guidelines every step of the way. Eventually, the court sided with the State, however, certain standard agricultural practices were not approved, thus eliminating them from use on farms in New Jersey.

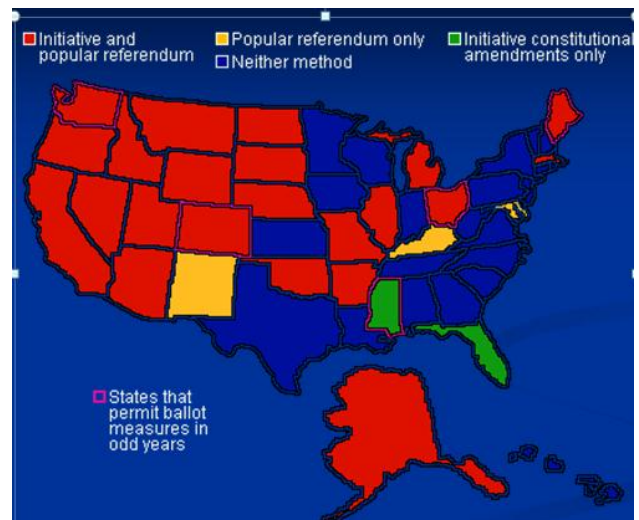


Figure 1. Map of states with ballot initiative process
Source: Initiative and Referendum Institute

Activists continued their ballot initiative campaigns next in Arizona in 2006 – another state which allowed ballot initiatives and also had few hog farms – thus a small number of opponents to run against. After success there, the number of challenges via

ballot initiatives and the legislative process (albeit only in states which allow for the ballot initiative process; Figure 1) increased in numbers rapidly.

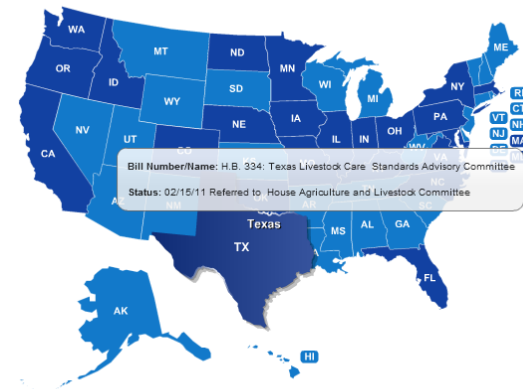
Beyond banning certain housing systems, such as conventional cages for egg laying hens, gestation stalls for sows and individual stalls for veal calves, a bevy of other animal related initiatives impacting animal agriculture have been introduced over the past five years. So-called *puppy mill* bills aimed at dog breeders could be precedent setting in nature by the sheer fact that an arbitrary limit is set on the number of animals an owner can have, regardless of how well-managed their business is.

Several states have proposed legislation to create animal abuser registries, similar to registries for sexual offenders (none have passed to-date, but new bills have been introduced again in 2012). Other even more severe bills have been proposed, including making hunting, trapping, or slaughtering animals for food in front of a child a Class C felony, and defining tail docking or ear cropping as *animal torture*.

More than 10 states have been impacted directly by activist driven legislation banning certain agricultural practices or housing systems. Several others have implemented legislation – such as establishing Livestock Care Standards Boards – as a proactive means to protect agriculture from activists’ initiatives. As a result, however, farm animal care standards will become state statutes, which have the potential to be influenced by activist groups.

At the federal level, HR 3798, introduced in January 2012, would establish national housing and care standards for egg laying hens. This bill represents the first joint proposal at this level between an

Figure 2. The Animal Agriculture Alliance tracks legislation impacting animal agriculture and reports through an interactive map on its website. http://www.animalagalliance.org/current/state_legislation.cfm Click on each state for the most current proposed legislation. An archive of legislation by state is also available at this link: http://www.animalagalliance.org/images/ag_insert/20110623_Current.pdf



Recent State Legislation Related to Animal Agriculture

animal rights organization and an agricultural association; however, because of its potential precedent setting nature, it is very controversial, and is opposed by most agricultural entities, as well as some of the more extreme animal rights organizations.

Looking ahead, as the 2012 legislative session is underway in states and the federal government, we anticipate more legislative and ballot initiatives to be introduced attempting to ban certain science-based agricultural practices, more efforts to limit the number of animals individuals or businesses can own, and an unfortunate battle between agricultural sectors over the proposed federal hen legislation. We also anticipate a growing number of law suits and legal complaints against farms and ranches, such as HSUS recently filed against a number of hog, egg, and poultry producers.

The High Plains Dairy Conference does not support one product over another and any mention herein is meant as an example, not an endorsement.

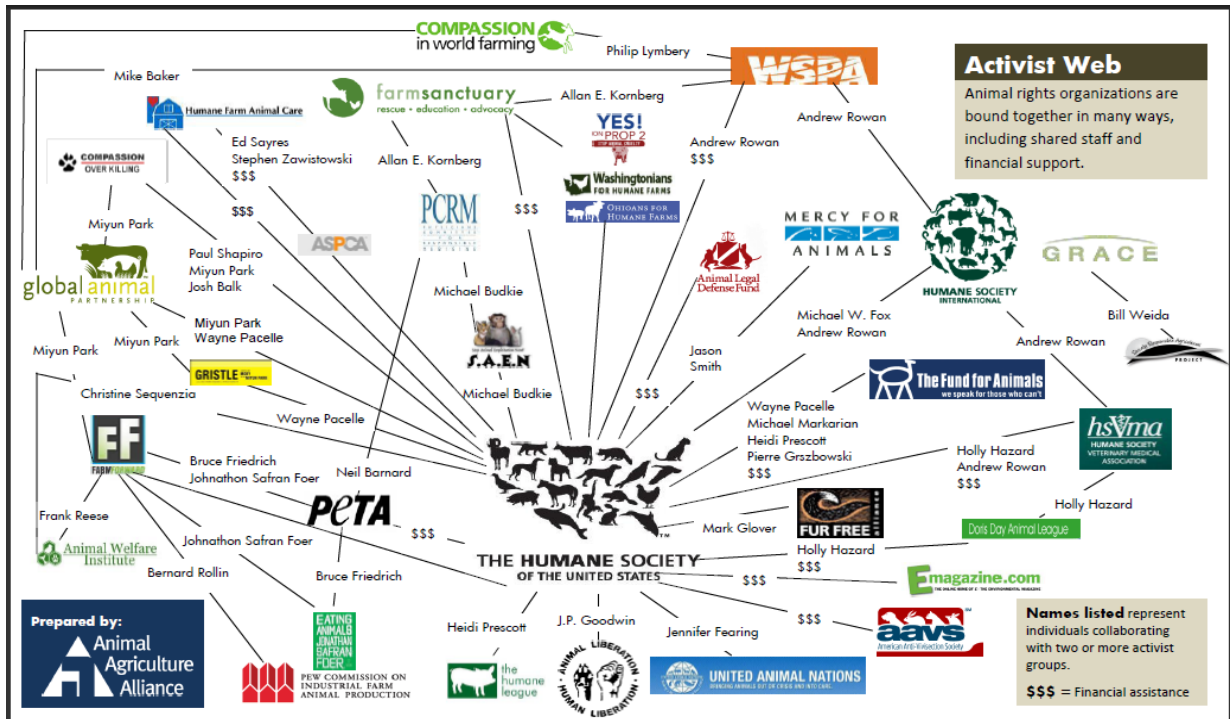


Figure 3. Schematic of interactions among various activist groups.

It's important to know it is not just HSUS working to eliminate animal agriculture, but rather it is a very coordinated and strategic plan being carried out among many activist groups. HSUS is the largest, and by far the best funded of the extremist groups, and it is deceptively viewed as a professional organization serving as the national organization for local and state animal shelters. HSUS has no affiliation with local and state shelters, and in fact gives less than one percent (1 %) toward direct animal care.

There are hundreds of activist groups working against animal agriculture, and their efforts are very orchestrated. (Figure 3) While some carry out more extreme actions, such as picketing, property destruction, or baring all in ads to get media attention; it's all part of their plan to make groups like HSUS seem mainstream to the public, media, customers, and policy makers.

Now more than ever, every individual with a vested interest in animal agriculture must get active in engaging the public and sharing their story about the importance of agriculture and the importance of what they do personally to contribute to our nation's food security. Using social media, like posting videos on YouTube, Facebook and Twitter, is easier than ever and creating a website to showcase your farm and family is a great way to let people know who you really are (and aren't). These tools are very effective and inexpensive means to show the public what agriculture really is, as opposed to what the activists want the public to believe.

Studies show the public wants to know more about where its food comes from. Let's all get active in helping them know us, know our values and our commitment to our animals, our land, our employees, our community, and our nation.

*The High Plains Dairy Conference does not support one product over another
and any mention herein is meant as an example, not an endorsement.*