SHOULD WE LEGISLATE FARM ANIMAL WELFARE?

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NO

Questions?
"Legislators advised that they had been compelled to support legalizing bingo by a mysterious man on a riding lawnmower who lives in a strange, far-off world called 'Tennessee'..."

"Agents advised that they were deeply concerned about which eye is the one that actually works..."

(Dean, G. The Birmingham News, April 11, 2010)
Drivers of Legislated Change

- **Persistent long term issues**
  - Conditions that limit or hamper animal movement

- **Changes in social environment and culture**
  - Public access to information
  - Change in public attitudes / status of animals

- **Morphing of tactics / culture of dissenting groups**
  - Issue fatigue promotes new strategies
Drivers of Change

- Lack of response from target community
  - Change either slow or not at all
  - Irreconcilable differences of opinion or statements of fact relative to the issues

- Issue connected to issues of high public importance
  - Food safety
  - Environment
Decision to Legislate

- What is the collective harm caused by the practice?
  - Is there social/moral endangerment?
Will a regulation solve the problem?

- Depends
  - how the regulation / enforcement structure is developed
  - Responsive better than simple deterrence
  - If produces effect of internal and institutional recognition/acceptance of change in behavior
Can a voluntary approach accomplish the change?

- Industry must demonstrate
  - transparent commitment to change and self enforcement
  - changing business behavior from within by internalizing and institutionalizing best practice

- Market forces must cooperate in supporting change

- Must develop and maintain a public accountability mechanism that is trustworthy

- Shorter transaction time for change and more flexibility to tweak

- Disadvantage of no hard public mandate to change
WE DIDN'T NEED A STOP SIGN BECAUSE THEY WERE SUPPOSED TO SELF REGULATE...
When we should legislate..

- Control situations that pose a threat to animal / human safety and welfare
  - Unable to control through voluntary action

- Even the playing field for the affected parties
  - Everyone expected to comply
  - Eliminate patch-work approaches
  - Compensate for mandates

- Provide Public accountability and assurance
  - Government oversight
  - **Regain** public trust to protect animal agriculture

- Provide legal teeth to comply
Disadvantages to Legislating

- Political transaction time often long
- Relatively inflexible to change once legislation is enacted
  - Animal care is not a fixed variable
- Public burden
  - Support the regulation and its enforcement
  - Effect of unfunded mandate
  - Political authority must respect and support the mandate
- Should be the mechanism of last resort
Does Legislation Secure Good Farm Animal Welfare?

  - Support “appropriately constituted expert bodies” to establish public policy…”
  - “..standard-setting bodies, and related public policy, should be established through regular legislative and regulatory processes,”
  - “..ballot initiatives can precipitate a polarizing public debate based on incomplete information..”
  - “Varying constituencies and viewpoints also deserve representation on standard-setting bodies, because they facilitate and can help ensure complete discourse.”

TREATMENT OF FARM ANIMALS.
STATUTE.

“Requires that an enclosure or tether confining specified farm animals allow the animals for the majority of every day to fully extend their limbs or wings, lie down, stand up, and turn around. Specified animals include calves raised for veal, egg-laying hens, and pregnant pigs. ”
Does the Public Know Best?

Where is my welfare best?
“Laws that are vague and open to interpretation are good for just one group: lawyers.”

A hot day in Fort Collins
Commentary by John Maday | Drovers Journal Monday, August 30, 2010
Recent Legislation

California
- Ballot (non-negotiated)
- Performance outcome
  - Gestating sows
  - Veal calves
  - Egg laying hens
- Six year phase-in
- Criminal offense

Michigan
- Bill (negotiated change)
- Performance outcome
  - Veal calves
  - Gestating sows
- Minimum sq ft + Performance outcome
  - Egg laying hens
- 10 year phase-in
  - Except veal
- Civil offense
Ohio

- Passed a Constitutional change
  - Establish a Livestock Care Standards Board
    - 13 members: specifically appointed
  - Develop animal care standards
    - Ad hoc scientific advisory group
    - Pre-emptive ballot

- Threatened amendments by ballot
  - Ohioans for Humane Farming

- June 30th announcement of compromise
Australian Animal Welfare Strategy

- Series of initiatives to develop national animal welfare policies
  - Addresses animal welfare issues and needs using research, policy and education
  - Reviews national and state policy frameworks
- Target and eliminate inconsistencies in policy
- Revise Codes of Practice into national policy
- Focus on successful implementation processes
- Shift focus from consumer driven perception to concentrating on continuous improvement

Summary

- If legislation is necessary
  - Preference for using legislative body versus popular vote
  - Use correctly constituted bodies of experts
  - Stakeholder input is essential
  - Science should not be ignored
  - Expected outcome: a net improvement to animal welfare
  - Realistic implementation and interpretation
  - Sustainable result
IT TAKES HUMANS TO RAISE
CHICKENS HUMANELY.