



Enforcement of State Farm Animal Welfare Laws

No single federal law explicitly addresses the treatment of animals raised for human consumption on farms in the United States. Due to growing public concern, many states have taken action to improve the welfare of these animals. In fact, during the past 20 years, more than two dozen state laws and regulations have been enacted to protect farm animals. Until now, however, no in-depth analysis has been made regarding enforcement of these laws.

State laws protecting farm animals fall into three main categories: (1) on-farm minimum animal care standards, (2) laws prohibiting specific conventional industry practices, such as intensive confinement and physical alterations, and (3) bans on the sale of products that violate the state's minimum requirements.

Animal care standards provide minimum guidance for the care and treatment of animals raised on farms. In Ohio, for example, rules affecting the care of cattle, pigs, turkeys, hens, sheep, goats, alpacas, llamas, and equines went into effect in 2011. Generally, such laws provide state governments the authority to investigate farms for violations when complaints are filed by citizens.

Thus far, most state minimum animal care standards have been developed by livestock care standards boards that were established through state legislation. Some livestock care boards have been required to produce animal care standards that are then codified into law, while in other cases the development of standards has been at the board's discretion. Either way, a primary motivation for establishing these boards appears to be to ward off more restrictive standards through legislation or ballot measure.

Anti-confinement laws prohibit extreme confinement of animals that can lead to pain and distress.

For example, a number of states have banned or limited the use of gestation crates for pregnant sows. Other laws include those that ban the use of hen battery cages and prohibit or limit the use of veal crates. In addition, a few states have enacted limits or bans on tail docking of cattle, which is sometimes performed to facilitate close confinement of the animals.

Many anti-confinement laws were created by ballot initiative, a process that allows citizens in certain states to place a measure on the statewide ballot and give voters a chance to approve either a statute or constitutional amendment. To date, all ballot initiatives relating to farm animal welfare have been instigated by animal advocates. Anti-confinement laws have also been enacted through legislation drafted by animal advocacy groups, by industry groups, or through collaborations between the two.

Several states have now passed bans on the sale of food products from production systems that do not meet certain minimum animal care standards. Only two of these laws were in effect as of January 1, 2019. In both cases, the laws were passed by the state legislature and cover the sale of eggs only.

The Animal Welfare Institute (AWI) surveyed each state that has enacted on-farm animal protections to determine whether the provisions of those laws and/or regulations are being enforced, and if so, to what degree. To conduct this research, AWI submitted public records requests for documents related to the enforcement of 32 state farm animal protection provisions in effect as of January 2019 (see table, page 2).



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STATE	TYPE OF PROTECTION	YEAR EFFECTIVE	HOW ENACTED	EVIDENCE OF STATE ENFORCEMENT?
Alaska	Animal care standard	2017	Legislation/Regulation	Yes
Arizona	Sow gestation crate ban	2013	Ballot measure	No
	Veal calf crate ban	2013	Ballot measure	No
	Hen housing standards	2009	Legislation/Regulation	No
California	Sow gestation crate ban	2015	Ballot measure	No
	Veal calf crate ban	2015	Ballot measure	No
	Hen battery cage ban	2015	Ballot measure	Yes
	Battery cage egg sale ban	2015	Legislation	Yes
	Cattle tail docking ban	2010	Legislation	No
Colorado	Sow gestation crate ban	2018	Legislation	No
	Veal calf crate ban	2012	Legislation	No
Florida	Sow gestation crate ban	2008	Ballot measure	No
Indiana	Animal care standards	2011	Legislation/Regulation	Yes
Kentucky	Animal care standards	2014	Legislation/Regulation	No
	Veal calf crate ban	2018	Regulation	No
Louisiana	Animal care standards	2013	Legislation/Regulation	No
Maine	Sow gestation crate ban	2011	Legislation	No
	Veal calf crate ban	2011	Legislation	No
	Hen housing standards	2010	Legislation	Yes
Michigan	Veal calf crate ban	2012	Legislation	No
New Jersey	Animal care standards	2011	Legislation/Regulation	Yes
Ohio	Animal care standards	2011	Legislation/Regulation	Yes
	Veal calf crate limitations	2018	Regulation	No
Oregon	Sow gestation crate ban	2012	Legislation	No
	Hen housing standards/egg sale ban	2012	Legislation/Regulation	Yes
Rhode Island	Sow gestation crate ban	2013	Legislation/Regulation	No
	Veal calf crate ban	2013	Legislation/Regulation	No
	Cattle tail docking ban	2012	Legislation/Regulation	No
	Animal care standards	2014	Legislation/Regulation	Yes
Washington	Hen housing standards	2012	Legislation	No
West Virginia	Animal care standards	2015	Legislation/Regulation	Yes

1. Covers enforcement of state laws and regulations in effect as of January 2019.

In general, AWI requested records from the law's effective date through August 2019. In some cases, the state sent records for a narrower time period. This happened particularly with states possessing a large volume of records.

Of the 16 states that have implemented farm animal protection laws as of 2019, 9 provided AWI with evidence of enforcement. The following is what we were able to learn concerning enforcement of farm animal protection laws by these states.

Survey Findings

ALASKA

Alaska has enacted minimum care standards for several animal species—dogs, horses, pigs, and cattle and other ruminants. AWI submitted comments to the state on the proposed standards, which entered into effect in 2017. Records received from the state in response to AWI's request were very limited. They consisted only of email communications related to six investigations, suggesting that the state has not established a formal process to deal with complaints. Only one of the cases pertained to potential violations of the state's animal care standards, and it involved horses. In that case, after numerous complaints, a veterinarian was sent to evaluate the animals, and the records indicate follow-up was provided by the vet for several months. The remaining cases were animal cruelty investigations that did not involve farm animals.

ARIZONA

Arizona has enacted legal prohibitions on the use of gestation crates for sows and crates for veal calves. Its legislature has also mandated consistent husbandry practices for egg-laying hens, which the state Department of Agriculture defined as compliance with animal care guidelines of the United Egg Producers (UEP) trade association. Arizona indicated to AWI that it did not have any records related to the crate bans. As for the hen housing standards, the state explained that it has not conducted any investigations, because Arizona producers were known to be in compliance with UEP requirements.

CALIFORNIA

California has enacted the largest number of legal protections for farm animals. AWI received records from the state relating to its hen battery cage ban and battery cage egg sales ban; however, we did not receive any records related to the state's other farm animal protections (see table for details).

Based on the records received, the California Department of Food and Agriculture (CDFA) determines whether a producer or operation is compliant with the state's battery cage ban when performing Shell Egg Food Safety (SEFS) inspections or audits. According to the records, in early 2015, a letter was sent from

the CDFA to producers informing them of routine inspections to be performed to ensure compliance with SEFS regulations. To facilitate the process, the letter asked producers seeking access to the California egg market to provide the department with information related to production, including how the birds are confined, by completing a pre-audit questionnaire. This questionnaire was intended to limit the need for fieldwork by determining whether the producer qualified for an exemption from the on-site inspection process.

The records provided consisted of documents and forms from audits performed from 2015 through 2019 at 15 noncompliant operations, 5 of which were out-of-state. To determine compliance with the anti-confinement regulations, inspectors conducted either field audits or desktop audits, though it is unclear what the process was for determining which audit an operation was subjected to (other than the original questionnaire described above). During field audits, inspectors looked at cage size to calculate the maximum number of birds to be allowed in each, then they counted and recorded the number of birds observed within a sample of cages in each house being inspected. For desktop audits, inspectors determined projected production levels based on the information provided for each house or facility, then compared the projections to actual production levels. If the actual production level exceeded the projection, noncompliance was suspected and an on-site inspection was conducted to verify enclosure densities. Based on the records, desk audits were initially performed at 4 of the operations, while the remainder underwent field audits (without evidence of a preliminary desk audit being performed).



Thousands of hens in inhumane conditions at an Ontario, CA, egg farm.

SAN BERNARDINO COUNTY DISTRICT ATTORNEY

In most cases, either a notice of violation was issued or a "hold" tag was placed on the lot or house indicating the eggs from that flock could not be sold. A follow-up audit was typically performed within a couple of days, if not the next day, at which point the noncompliances in all cases were

deemed to be resolved. AWI was also able to locate evidence of one instance where charges were brought against an egg producer for violating the state's minimum space requirement for hens. In February 2017, the San Bernardino County District Attorney's Office announced that it had charged an Ontario, California, egg producer with 39 counts of violating the state's Prevention of Farm Animal Cruelty Act (passed as the Proposition 2 ballot measure in 2008). According to court records, a confidential settlement was eventually reached and the case was dismissed.

COLORADO

Colorado has passed prohibitions on the use of gestation and veal crates, which were in effect as of 2019. In response to AWI's public records request, the state revealed that it had no records related to enforcement of the law.

FLORIDA

Florida passed a constitutional amendment banning the use of sow gestation crates in 2002 that went into effect in 2008. When contacted by AWI, the state indicated it had no records related to enforcement of the law.

INDIANA

In 2011, Indiana promulgated very vague regulations related to the care of farm animals, despite encouragement from AWI that it create more substantive standards. While the regulations may be lacking in specificity, Indiana appears to be conducting enforcement actions. Farm animal care investigations in the state are conducted by the Indiana State Board of Animal Health (BOAH). AWI received compliance reports prepared by BOAH that included a brief description of the investigation, source of the complaint, species and number of animals involved, and resolution of the case. During 2018 and the first half of 2019, BOAH responded to 39 complaints involving farm animals. Little detail was provided about the nature of each investigation, but 1 complaint was referred to another agency and 7 resulted in written warnings.

KENTUCKY

Kentucky adopted farm animal care standards in 2014, which included a ban on housing veal calves in crates, effective as of 2018. AWI and other animal advocacy groups had commented on the proposed regulations and urged stronger standards. The state informed AWI that it has no records related to enforcement of its animal care standards.

LOUISIANA

In 2013, Louisiana's Board of Animal Health adopted animal care standards with the approval of the state Department of Agriculture and Forestry. The standards are broad and leave significant room for interpretation. When contacted by AWI, Louisiana indicated it had no records related to enforcement of the relevant regulations.

MAINE

In response to an undercover investigation of an egg-laying facility, the Maine legislature passed a bill in 2009 requiring the commissioner of agriculture, food and rural resources to develop best management practices (BMPs) for large egg producers. Although BMPs were developed, they have not been codified in regulation. The BMPs address hen health, space allowances, food and water, lighting, ventilation, and transport conditions. Only one egg establishment is currently being audited under the program. According to Maine's state veterinarian, the facility's records are reviewed annually, and BMP inspections are performed periodically.

Although Maine provided only one report from the past few years, AWI has seen evidence that inspections are conducted more frequently. However, the efficacy of those inspections appears questionable, given the results of an inspection conducted in close proximity to a 2016 animal advocacy undercover investigation. The undercover investigation documented several animal care issues, including birds with various body parts stuck in faulty cages. The state inspection documented some of the same issues, but state officials nonetheless concluded that no violations of BMPs had occurred. In any case, the state noted that no enforcement action was possible, given that "an Assistant State Veterinarian with the Department of Agriculture, Conservation and Forestry had recently inspected and passed



WE ANIMALS, JO-ANNE MCARTHUR

Investigations documented inadequate food, water, and veterinary care.



We found no evidence of enforcement of gestation crate bans in seven states.

the facility for compliance with the BMPs,” and such a finding is an affirmative defense to an animal cruelty charge.

Maine informed AWI that it had no records related to two other state farm animal welfare regulations, a ban on sow gestation crates and a ban on the use of crates in the raising of veal calves.

MICHIGAN

The state of Michigan has enacted several laws to protect the welfare of farm animals. As of 2019, however, only one regulation—prohibiting the housing of veal calves in crates—was in effect. Michigan officials informed AWI that it possessed no records related to the enforcement of this provision.

NEW JERSEY

New Jersey has the longest history of enforcing state farm animal care standards. In 1996, the state legislature delegated authority to the New Jersey Department of Agriculture to write regulations concerning the “humane raising, keeping, care, treatment, marketing, and sale of domestic livestock.” After a significant delay, and litigation by a state humane organization, regulations were eventually adopted.

The state appears to have a formal process for investigating and documenting animal care violations based on the records received by AWI. From January 2017 through August 2019, the New Jersey Department of Agriculture, Division of Animal Health (DAH) performed 22 humane field investigations, a majority of which were the result of anonymous complaints forwarded from local law enforcement and the (now disbanded) New Jersey Society for the Prevention of Cruelty to Animals (NJSPCA). Of these investigations, 9 involved grave violations of the state animal care standards, based on the severity of the deficiencies and, in some case, a history of noncompliance and continued failure to take appropriate corrective action. In total, 15 cases were referred to the NJSPCA or other state and local officials for enforcement action.

In reviewing the records, AWI noted that a number of facilities were subject to multiple investigations where violations were continually documented, yet meaningful action was not taken to prevent animals from suffering. In one specific case, an individual was the subject of multiple investigations dating back at least two years, with investigators repeatedly finding numerous dead animals, emaciated and dehydrated animals due to lack of food and water, and animals covered in mud and feces, among other problems. These violations continued to be documented until August 2018, when local law enforcement finally intervened by executing a search warrant and removing the animals from the property.

OHIO

Ohio created the Ohio Livestock Care Standards Board in 2009 via an amendment to the state constitution. An underlying goal for creating the board was to stop animal advocacy organizations from achieving farm animal care standards through legislation or ballot initiative. AWI and other animal protection organizations lobbied the board to establish strong standards, including bans on extreme confinement practices. These efforts were moderately successful, with the state adopting limits on the use of veal crates, gestation crates, and tail docking of dairy cattle. As of 2019, the veal crate limitations and tail docking ban were in effect.

The Ohio Department of Agriculture provided a large volume of documents related to enforcement of the state’s farm



Ohio cited an auction for using an electrical prod on a young calf.

animal care standards. According to the records, Ohio conducted 56 animal welfare investigations involving farms animals between October 2017 and November 2019, none of which were related to cattle tail docking or the use of veal crates. Based on the documents provided, a majority of the complaints investigated took place on small hobby farms and involved lack of food and water, inadequate shelter, poor or dangerous pasture conditions, and animals that appeared emaciated. In over half of these cases, a Notice of Violation was issued and follow-up was conducted, usually until the violations were remedied and the farm was determined to be in compliance. According to a December 2019 *Farm and Dairy* article, a total of 291 investigations have been conducted since the Ohio standards took effect in 2011 and only one resulted in a penalty. No further information was provided regarding this case in either the article or documents AWI received.

Two investigations worth highlighting were prompted by state officials who had observed and followed up on potential violations while performing duties not related to enforcement of the livestock care standards. In the first case, a state Animal Health Inspector monitoring a livestock auction facility observed an individual using an electric prod on multiple calves, potentially in violation of the livestock care standards that prohibit the use of an electric prod on calves under 200 pounds and in sensitive areas of the animal's body. After confirming that at least one of the calves was under 200 pounds, a Notice of Violation was issued. The second case was initiated in response to a referral from an official within the Ohio Department of Agriculture, Division of Meat Inspection who had noticed a pattern of injured or diseased cattle at various slaughter establishments, all coming from one source farm. According to the records, an investigation was conducted on the farm in question, which was a commercial operation with more than 1,000 cattle; however, no violations were found.

OREGON

In 2007, the Oregon legislature passed a bill banning the use of sow gestation crates, and in 2011, the legislature enacted housing standards for egg-laying hens. The state also requires that all eggs sold in the state meet the minimum requirements. In response to AWI's records request, the Oregon Department of Agriculture (ODA) revealed it has conducted two investigations to date into the purchase and distribution of out-of-state eggs that do not comply with Oregon's minimum space standards for hens. Both investigations were initiated as a result of a complaint received from an in-state producer. In the first case, the ODA sent a cease and desist letter to an Iowa supplier. The second case involved a California-based egg wholesaler that purchased noncompliant eggs from a producer in Pennsylvania and then resold them to a distributor in Oregon. After an investigation, the California wholesaler was fined \$8,750 for violation of the state's sales ban.

RHODE ISLAND

After California, the state of Rhode Island has enacted the most protection laws covered by this survey. As of 2019, bans on tail docking of cattle and the use of crates for housing gestating sows and veal calves had been implemented. In addition, Rhode Island has had minimum farm animal care standards in effect since 2014, consisting of both general requirements and species-specific requirements. In response to AWI's request for records, the state indicated that it had conducted two investigations into potential violations of its farm animal care standards, but possessed no documents showing enforcement of the crate and tail docking bans.

Documents from the first case included a compliance order that was issued to a farm after agents of the Rhode Island Department of Environmental Management received information from the Rhode Island Society for the Prevention of Cruelty to Animals and conducted two inspections. The compliance order detailed 11 violations of the state's Rules and Regulations Governing Livestock Welfare, including failure to



Rhode Island cited a producer for housing pigs in unsafe conditions.



State records often cited underweight animals as a concern.



RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Pig housed in pen with machinery and other debris.

provide a clean, safe, and sanitary environment for livestock, failure to monitor livestock for disease, injury, and parasitism, and failure to monitor, promptly treat, and protect disabled livestock. The compliance order served as an initial warning, but there was no indication of follow-up in the records received.

The second investigation was initiated at the request of a local animal control officer who had concerns regarding the care and housing of livestock on a farm after responding to numerous calls about loose cattle in the road. Upon investigation, agents discovered several underweight cattle, lack of food and water for pigs on the property, inadequate fencing, and dilapidated shelter, which resulted in the issuance of a compliance order. Eventually, the cattle were voluntarily removed from the property, but no further information was given regarding the other violations.

WASHINGTON

The Washington legislature passed a law in 2011 outlining housing conditions for egg-laying hens, which were to be phased in over a number of years. In response to AWI's public records request, the state indicated that it had no documents related to enforcement of the law to date.

WEST VIRGINIA

West Virginia created a livestock care standards board in 2010, and the state adopted minimum animal care standards in 2015. In response to AWI's records request, West Virginia released email communications demonstrating some attention to the issue, but a lack of formal processes for handling complaints and conducting investigations.

Records from West Virginia document two farm animal care investigations in 2018 and 2019 involving a livestock auction facility and a small hobby farm. The investigation into the auction was prompted by a complaint regarding

pen conditions, lack of food and water, and frequent animal deaths. Documents from this investigation reveal confusion regarding the West Virginia Department of Agriculture's (WDVA) enforcement authority and the failure of local and federal officials to assist with investigating the auction. According to the records received, the WDVA has "historically been unable to gain engagement from [the] County for large animal humane-handling complaints," and local law enforcement "often have familial or business relations with owners and [are] less likely to investigate." Correspondences related to this investigation show WDVA officials reached out to numerous government officials at the local and federal levels, trying to determine who had the authority to take enforcement action or at least investigate further. This continued over a 10-month period while animals were likely suffering. The other West Virginia investigation concerned potential animal care violations for failure to provide cattle on a small farm with adequate food, but there was no indication that officials intended to follow up to ensure compliance.

Discussion

Animal protection advocates have generally opposed the creation of minimum state animal care regulations due to concerns that they will be weak and will present an obstacle to obtaining higher-level husbandry standards. However, AWI's survey reveals that a majority of states (7 of 12) that have enacted these minimum standards are conducting some type of enforcement activity, primarily investigating complaints received from humane societies, neighbors, and members of the public. Of the 7 states that supplied animal care enforcement records, 5 (all but Alaska and West Virginia) appear to follow a formal investigation process.



WV DEPT. OF AGRICULTURE

Cattle confined under poor conditions at a West Virginia livestock auction.

While a majority of the investigations to date have focused on the treatment of animals on small hobby farms, some commercial operations have been inspected as well. Farm animal care cases typically involve species of animals whose treatment is at least partially visible to the public, namely cattle, sheep, goats and, in some cases, outdoor-raised pigs, rabbits, and birds. (Although equines are covered by some state farm animal care regulations—and these animals were the subject of a number of investigations—AWI did not consider equines to be farm animals for the purpose of this survey.)

Most of the cases dealt with incidents of suspected neglect. While overlap with state cruelty statutes is clear, farm animal care standards appear, in some states at least, to offer a separate, unique level of protection. It is unlikely that all—or even most—of the reported investigations would have been conducted in the absence of state husbandry standards. These minimum standards can facilitate prosecutions by helping law enforcement determine what constitutes acceptable living conditions for farm animals. Unfortunately, it was not possible to determine from the records how many cases, if any, resulted in prosecution. However, evidence was often provided that animals were removed from the premises or actions were taken to resolve the observed deficiencies.

Unlike the case with minimum care standards, AWI received no enforcement evidence for 17 of 18 state anti-confinement laws covered by the survey (the exception being California's battery cage ban). Regarding the two state sale bans, AWI received evidence of enforcement of the egg sale bans currently in effect in California and Oregon.

In summary, there is evidence of enforcement for 7 of 12 laws setting minimum care standards, but only 3 of 20 anti-confinement laws. Enforcement for 1 of those 3 laws—Oregon's battery cage egg sale ban—resulted from outside complaints and not routine auditing by the administrative agency. The other 2—California's battery cage ban and battery cage egg sale ban—resulted from inspections conducted under the state's pre-existing shell egg food safety regulations.

One possible explanation for the lack of enforcement of the anti-confinement laws is that a mechanism to facilitate enforcement was not included in the measures. Examples of enforcement mechanisms include producer reports or affidavits, third-party audits, and departmental inspections. There is also no evidence that animal protection advocates are filing complaints and/or requests for investigation with state agencies, possibly because access to animals held in intensive confinement settings is extremely limited. It is assumed that a vast majority of producers comply with anti-confinement laws by the time they go into effect, but there is currently no way to confirm this.

Conclusion

Laws prohibiting intensive confinement are important because they allow animals to more fully perform their natural behaviors. However, farm animal care standards address even more basic needs, such as access to food, water, and shelter. On the other hand, anti-confinement laws generally impact far more animals than minimum husbandry standards. In the end, both types of laws have the potential to contribute substantial benefits to animal welfare, and AWI hopes that eventually all states will adopt both types of legal measures to protect farm animals. To make meaningful use of these state laws, humane organizations and the general public should report to the appropriate agency any suspected neglect or mistreatment of animals. This is particularly important for states that have enacted minimum care standards but show no evidence of enforcement (i.e., Kentucky and Louisiana). Moreover, animal protection advocates should continue to lobby state legislatures and regulatory agencies to enact *and enforce* strong legal protections for animals raised for food.

Please see AWI's *Legal Protections for Animals on the Farm* report for more information about the laws mentioned above.

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