



Legal Protections for Farmed Animals During Transport



BACKGROUND

Each year, millions of farmed animals (not including poultry) are transported throughout the United States for various purposes, including for breeding, feeding, and slaughter. Transport is very stressful for animals. In addition to the vibration, noise, fumes, and unfamiliar environments, transported animals often experience prolonged food and water deprivation, intense crowding, exposure to extreme heat and cold, and physical stress and injuries from rough handling and having to balance in a moving truck. These stressors negatively affect animal health and welfare. Stress also lowers an animal's resistance to infection; consequently, transport stress also contributes to the spread of disease (including zoonotic diseases that can jump to humans) and to meat contamination. In addition, young calves in transport are frequently administered antibiotics—both to buffer their systems against the stressful conditions and to treat and contain disease in the weeks after transport. Routine, profligate use of antibiotics to mitigate the effects of chronic stressors is known to contribute to antibiotic resistance.

High-risk groups, such as very young animals and cull animals (those removed from a herd and sent

to slaughter due to age, illness, or other infirmity affecting productivity) are especially vulnerable to the negative impacts of transport. However, it is common for these animals to be sent long distances, particularly within the dairy sector. Young calves are often transported from their place of birth, with males usually slated to become veal or “dairy beef” and females (referred to as replacement heifers) often reared off site by specialized operations until they are ready to give birth and produce milk for a dairy farm. AWI research shows that hundreds of thousands of calves less than a month old are regularly shipped long distances despite being at high risk of injury, infection, and mortality. Cull dairy cows are typically sent to slaughter due to health problems, low milk production, or fertility issues and are at high risk of lameness and other serious health issues. Cull breeding sows are similarly prone to lameness or other painful conditions that are exacerbated by transport conditions. Cull animals are regularly transported long distances, as only a limited number of slaughterhouses accept them.

Federal laws pertaining to the health and welfare of livestock during transport are outlined below. In practice, these laws have failed to offer adequate protection for the vast majority of these animals.



AWI FACT SHEET

TWENTY-EIGHT HOUR LAW

The main federal statute that provides minimal protection for animals during transport is 49 U.S.C. § 80502, known as the Twenty-Eight Hour Law. First passed in 1873, the Twenty-Eight Hour Law requires animals traveling domestically for 28 hours or more to be offloaded for food, water, and rest for 5 consecutive hours. There are two exceptions to the law: (1) Sheep may be transported for 36 consecutive hours if the 28-hour period of confinement ends at night, and (2) animals need not be offloaded if food, water, space, and an opportunity to rest are provided on the transport vehicle.

Three federal departments have a potential role in enforcing the law: the Department of Agriculture (USDA), the Department of Justice (DOJ), and the Department of Transportation (DOT). AWI research, however, shows that the Twenty-Eight Hour Law is not actively enforced by any of these entities despite evidence that it is regularly violated. In fact, over the past 15 years, the USDA has only made 12 inquiries into possible violations of the law, just one of which was referred to the DOJ. AWI has obtained no evidence to suggest that the DOT has ever played any role in enforcing the Twenty-Eight Hour Law.

INTERNATIONAL EXPORT OF LIVESTOCK

Requirements for the international export of live animals are established under federal regulations administered and enforced by the USDA's Animal and Plant Health Inspection Service (APHIS). Following a rulemaking petition submitted by AWI in 2011, the regulations were amended in 2016 to include fitness-to-travel requirements for all farmed animals exported from the United States, except those traveling overland to Canada or Mexico. The petition was submitted in

response to a significant increase in the number of live animals exported by sea, many of whom were pregnant dairy cattle. The USDA acted on the petition after a string of horrific incidents resulting in the death of over 1,000 cattle while in transit by sea.

Under current regulations, animals intended for export by sea or air must pass an inspection demonstrating they are sound, healthy, and fit to travel, based on criteria that mirror guidelines established by the World Organisation for Animal Health. The regulations also require vessels to be equipped with a means of humane euthanasia, to carry replacement parts for major on-board life support systems, and to report the number and nature of deaths and injuries occurring during each voyage.

ANIMAL HEALTH PROTECTION ACT

The Animal Health Protection Act (7 U.S.C. 8301 et seq.) was enacted as part of the Farm Security and Rural Investment Act of 2002 (the 2002 Farm Bill). This law authorizes the USDA to restrict or prohibit the movement of animals for disease control purposes. Since the health and welfare of animals affects their susceptibility to disease, this implies USDA authority to ensure humane treatment of farmed animals during transport. Indeed, the USDA used its authority under the Animal Health Protection Act to promulgate the fitness-to-travel export regulations. The department, however, has not promulgated fitness-to-travel regulations covering the transport of animals within the United States, creating a huge gap in protection for the millions of farmed animals transported across state lines each year.

For more information, see AWI's full *Legal Protections for Farm Animals During Transport* report and the related *A Review: The Twenty-Eight Hour Law and Its Enforcement* report.