



Animal Welfare Institute

900 Pennsylvania Avenue, SE, Washington, DC 20003 • www.awionline.org
telephone: (202) 337-2332 • facsimile: (202) 446-2131

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Jay Fuller, DVM
Assistant State Veterinarian
Office of the State Veterinarian
Department of Environmental Conservation
5251 Dr. Martin Luther King Jr. Ave.
Anchorage, AK 99507

VIA EMAIL

RE: Livestock Workshop Comments

Dear Dr. Fuller:

I am writing on behalf of the Animal Welfare Institute (AWI) and our supporters in the state of Alaska to offer comments on Alaska's draft livestock care standards. I truly appreciate your taking the time to review the comments that AWI has submitted on both livestock and avian standards. We have been impressed with the Office of the State Veterinarian's (OSV) open and transparent drafting process, and we commend you for hosting these public workshops prior to releasing an official draft through the administrative process.

Since its founding in 1951, AWI has been dedicated to reducing animal suffering and promoting the welfare of all animals, including animals in agriculture. As a part of our mission, we promote humane farming systems and work to advance legislative and regulatory efforts to improve the conditions of farm animals. We also administer our own farm animal care certification program, Animal Welfare Approved, through which we work with scientists and farmers to set the highest animal care standards in the country. The program employs a highly trained field staff to audit farms for compliance with these standards, and communicates regularly with hundreds of family farmers across the U.S.

AWI urges Alaska to base its livestock care standards on the "Five Freedoms"¹ to ensure that its cows, pigs, and small ruminants receive an adequate minimum standard of care. Following the Five Freedoms will maximize animal well-being and eliminate the worst practices that cause animals unacceptable pain, fear, or distress.

A. Recommendations

1. Improve humane handling requirements for downed animals.

AWI commends OSV for requiring the segregation of nonambulatory cattle and pigs from ambulatory animals. However, OSV's standards allow inhumane handling and care of downed

¹ *Five Freedoms*, Farm Animal Welfare Council, <http://www.fawc.org.uk/freedoms.htm> (last modified Apr. 16, 2009).

animals because they allow for the dragging of conscious animals and they do not expressly prohibit the transport of downed animals.

A nonambulatory animal is one that is unable to stand on its own due to injury, disease, or fatigue. Because downed animals are suffering from discomfort and distress, they should be handled and moved as little as possible.² Dragging of conscious nonambulatory animals is prohibited in law under the federal Humane Methods of Slaughter Act and in policy by the American Veterinary Medical Association (AVMA).³ The states of California and Wisconsin prohibit the dragging of conscious animals as well.⁴ AWI therefore recommends that Alaska include the following provisions in its animal care standards for all nonambulatory animals:

- Nonambulatory animals shall be segregated from ambulatory animals to prevent injury.
- Nonambulatory animals shall not be transported except for the purposes of receiving veterinary treatment.
- Under no circumstances shall a nonambulatory animal be thrown, dragged or pulled by the neck or other extremity, or pushed with equipment, but shall be moved with a sling or on a stoneboat or other sled-like or wheeled conveyance.
- Euthanasia, if required, shall be performed by a competent and trained individual by a single blow of a penetrating captive bolt or gunshot, or by chemical means that immediately renders the animal unconscious with complete unconsciousness remaining until death.

2. Expressly prohibit painful surgical alterations of cattle such as tail docking and dehorning.

a. Tail Docking

Tail docking of cattle can result in chronic pain, and can cause stress during the fly season because cows cannot use their tails to prevent flies from landing on or biting them. The procedure is most commonly performed by applying a tight rubber band to constrict blood flow until the tail falls off, but can also be done by cauterization or surgical amputation. Cows are typically not given any pain relief, and the process can take up to seven weeks to complete if performed with an elastrator band. For this reason, AWI urges the commission to prohibit tail docking of cattle.

Tail docking is mistakenly thought to benefit dairy workers and the milk product by preventing cows' tails, which are assumed to be contaminated with germs, from touching workers or the animals' udders. However, there is no scientific support for this belief; in fact, studies have shown no difference in cleanliness between cows whose tails are docked and those with full tails.

² Temple Grandin, *Humane Handling of Downer Animals*, <http://www.grandin.com/welfare/lci/downer.html>.

³ 9 C.F.R. § 313.1(d)(2); *AVMA Policy: Disabled Livestock*, http://www.avma.org/issues/policy/animal_welfare/disabled_livestock.asp.

⁴ Cal. Penal Code § 599f; Wis. Admin. Code ATCP § 12.07.

Additionally, tail docking has recently emerged among beef producers who intensively confine beef cattle on indoor feedlots with slatted concrete floors.⁵ Producers dock the tails of such cattle to prevent tail-tip necrosis caused by the animals stepping on one another's tails. Although such injury can be avoided by maintaining a lower stocking density and providing proper bedding for cattle,⁶ an increasing number of producers are choosing instead to subject their animals to painful physical alteration.

Routine, prophylactic tail docking is opposed by the AVMA,⁷ the American Association of Bovine Practitioners,⁸ and the National Milk Producers Federation.⁹ In 2008, a unanimous New Jersey Supreme Court rejected dairy cow tail docking as a "humane" practice.¹⁰ This year the Department of Agriculture of the state of New Jersey proposed state regulation prohibiting the routine practice of tail docking of cattle.¹¹ California passed a bovine tail-docking ban in 2009, and most recently, the Ohio Livestock Care Standards Board enacted a phased-in ban on routine tail docking.¹²

Tail docking is an unnecessary practice that can cause lasting pain and distress. Leading industry and veterinary groups oppose it, and several states have already banned it. AWI urges Alaska to prohibit routine tail docking of cattle in its draft animal care standards as well.

b. Dehorning and Disbudding

AWI recommends that OSV prohibit dehorning of cattle and to require pain management for disbudding of calves. The AVMA recognizes a need to reduce and eventually eliminate dehorning, and maintains that pain management is necessary in any dehorning procedure. The AVMA explains that "minimizing pain associated with disbudding and dehorning is important to limiting the pain-stress-distress cascade that creates altered behavioral and physiologic states. Pre-emptive

⁵ See Steven R. Miller, Ctr. for Econ. Analysis, *Survey of Tail Docking Practices of Michigan Livestock Producers* (2010) (unpublished study); see also Daniel Acker, *Feedlot*, http://www.danielackerprints.com/Journalism/Feed-Lot/16717903_BXSxkv#1260942991_HThNGgn (depicting the intensive confinement to beef cattle on an indoor feedlot in Illinois).

⁶ L. Schrader, et al., *The Occurrence of Tail Tip Alterations in Fattening Bulls Kept Under Different Husbandry Conditions*, 10 *Animal Welfare* 113 (2001).

⁷ *AVMA Policy: Tail Docking of Cattle*, http://www.avma.org/issues/policy/animal_welfare/tail_docking_cattle.asp.

⁸ *AABP opposes routine tail docking*, AVMA News (Jun. 1, 2010).

⁹ Nat'l Milk Producers Fed'n, *National Dairy Farm Program: Animal Care Manual* 17 (2009).

¹⁰ *New Jersey Soc'y for the Prevention of Cruelty to Animals v. New Jersey Dep't of Agric.*, 955 A.2d 886, 909 (N.J. 2008).

¹¹ 43 N.J. Reg. 3(a) (Jan. 3, 2011), available at http://www.state.nj.us/agriculture/rule/Humane_standards.pdf.

¹² Ohio Admin. Code 901:12-6-02(A).

analgesia can be accomplished with sedation, general anesthesia, local anesthesia, pre- and postoperative administration of NSAIDS.”¹³

A heated disbudding iron applied over the horn buds in young calves aged up to about two months (the age being determined by the size of the horn bud) is *much less* painful than dehorning, and the immediate pain can be reduced using a local anesthetic to provide a nerve block. This procedure has been used safely for decades and costs just pennies a shot. For this reason, AWI suggests that OSV prohibit dehorning of cattle, and require pain management where disbudding is necessary for young calves.

3. In addition to prohibiting veal crates, require group housing for veal calves.

Animals housed in a manner that prevents them from expressing normal behaviors (such as lying down, standing up, fully extending their limbs, and turning around freely) are subjected to stress and discomfort. For this reason, AWI commends OSV for eliminating the use of crates as an acceptable form of housing for veal calves. AWI recommends that in addition, the guidelines should expressly prohibit tethering and require group housing for calves by 8 weeks of age.

As the draft standards currently acknowledge, intensive confinement of veal calves is an unjustifiable practice that prevents young animals from moving freely and expressing normal behavior. Increasingly, consumers and retailers are demanding an end to this inhumane system of confinement, and leaders in the industry have responded. For example, the American Veal Association has resolved to transition all veal production in the U.S. to group housing by December 31, 2017.¹⁴ Ohio’s Livestock Care Standards also phase out veal crates and tethering by that date, and require group housing by 10 weeks of age.¹⁵ Strauss Veal, the nation’s largest veal producer, has been completely crate- and tether-free since 2008, and all of its calves are raised on pasture.¹⁶ Finally, the AVMA recommends against the use of individual confinement, and endorses the group housing for veal calves.¹⁷ These shifting attitudes have caused rapid progress in the industry: a 2009 survey estimated that 35 percent of all veal calves are raised in group housing, which is more than three times the number in 2007.¹⁸

Alaska’s draft standards are in line with this growing trend, but they do not go far enough to ensure proper care of veal calves. OSV, therefore, ought to eliminate the tethering of any animal for more than the majority of a day and require that calves be raised in groups by 8 weeks of age.

¹³ *Backgrounder: Welfare Implications of the Dehorning and Disbudding of Cattle*, AVMA, http://www.avma.org/reference/backgrounders/dehorning_cattle_bgnd.asp.

¹⁴ Resolution, Am. Veal Ass’n Resolution (May 9, 2006), http://americanveal.org/GRP_HOUSING_RESOL1-0507.pdf.

¹⁵ Ohio Admin. Code 901:12-5-03.

¹⁶ *Industry Insight*, Strauss Free-Raised, <http://www.straussfreeraised.com/industry.shtml>.

¹⁷ *AVMA Policy: Veal Calf Management*, http://www.avma.org/issues/policy/animal_welfare/veal_calf_management.asp.

¹⁸ *Veal Group Housing Transition Ahead of Schedule*, High Plains/Midwest Ag Journal, <http://www.hpj.com/archives/2009/jun09/jun22/0609AVavealgrouphousingtran.cfm>.

4. Phase out gestation crates for sows.

Alaska's draft standards for swine housing fall far short of providing pigs an environment that meets their physical and psychological needs. The current language would allow a pig to be confined in a stall barely larger than her body, preventing her from walking, running, or turning around and causing her psychological deterioration due to boredom. This is an unacceptable standard, and it codifies an industry practice driven by economics rather than science or animal welfare. AWI urges OSV to prohibit the use of gestation crates in new facilities, and phase out their use in existing facilities.

A gestation crate or sow stall is an individual metal stall with concrete slatted floors that is barely larger than a sow's body. Sows are kept in these stalls for the duration of their pregnancies, which last about four months (115 days). In addition to heavily restricting a sow's movement, a gestation crate denies her the opportunity to perform normal behaviors such as nest-building, grazing, rooting, wallowing, and socializing. Sows kept in gestation crates often exhibit stereotypic behaviors such as bar biting and vacuum chewing, which demonstrates frustration resulting from a denial of their physical and psychological needs.¹⁹ In addition, pigs kept in gestation crates suffer an elevated risk of urinary tract infections, weakened bones, overgrown hooves, and lameness.²⁰

Due to increasing welfare concerns, there has been a clear industry and policy shift away from the use of gestation crates. They have been banned in the UK since 1999. In 2003, the EU banned the use of gestation crates on all new farms, and required existing farms to phase out the crates by 2013.²¹ In the U.S., gestation crates have been banned or are being phased out in Florida,²² Arizona,²³ Oregon,²⁴ Colorado,²⁵ California,²⁶ Maine,²⁷ Michigan,²⁸ and Ohio.²⁹

¹⁹ Sandra Edwards, *Pigs, in Management and Welfare of Farmed Animals* 252, 266 (2011).

²⁰ J.N. Marchant & D.M. Broom, *Effects of Dry Sow Housing Conditions on Muscle Weight and Bone Strength*, 62 *Animal Sci.* 105 (1996); Sci. Veterinary Committee, Animal Welfare Section, *The Welfare of Intensively Kept Pigs* 96 E.C. Doc. XXIV/B3/ScVC/0005/1997 (1997), available at http://ec.europa.eu/food/fs/sc/oldcomm4/out17_en.pdf.

For a concise, comprehensive synthesis of current research, see HSUS, *An HSUS Report: Welfare Issues with Gestation Crates for Pregnant Sows*, available at <http://www.humanesociety.org/assets/pdfs/farm/HSUS-Report-on-Gestation-Crates-for-Pregnant-Sows.pdf>.

²¹ Council Directive 2001/88/EC, 2001 O.J. (L 316) 1-4 (EC).

²² Fla. Const. art. X § 21.

²³ Ariz. Rev. Stat. § 13-2910.07.

²⁴ Or. Rev. Stat. § 600.150.

²⁵ Colo. Rev. Stat. § 35-50.5-101 – 103.

²⁶ Cal. Health & Safety Code §§ 25990-94.

²⁷ Me. Rev. Stat. tit. 7 §4020.

²⁸ Mich. Comp. Laws § 287.746.

Alaska's current draft standards for pigs codify an economically-driven housing standard that treats pigs as units in an industrial process. This is simply not an "animal care" standard, and it utterly fails to ensure "an environment compatible with protecting and maintaining the good health and safety" of animals, as required by statute. For this reason, OSV's animal care standards ought to prohibit the use of gestation crates in new facilities, and phase out their use in existing facilities.

B. Conclusion

AWI urges Alaska to include the standards discussed herein to provide clear guidelines for private veterinarians and law enforcement officers in assessing animal care. By prohibiting painful physical alterations, requiring humane handling of disabled animals, and establishing humane housing requirements for farm animals, Alaska will achieve its goal of providing clear, enforceable animal care standards.

Thank you very much for your consideration. I encourage you to share this letter with your colleagues and with members of the public at next week's meeting. Please do not hesitate to contact me at 202-446-2139 or rachel@awionline.org should you have any questions or desire additional information.

Very truly yours,

A handwritten signature in black ink that reads "Rachel Mathews". The signature is written in a cursive style with a long, sweeping underline.

Rachel Mathews
Farm Animal Policy Associate

²⁹ Ohio Admin. Code 901:12-8-02(G).