

A conversation with Bruce Friedrich, September 3 and 6, 2013

Participants

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Note: This set of notes was compiled by GiveWell and gives an overview of the major points made by Bruce Friedrich.

Summary

Bruce Friedrich is the Senior Director of Strategic Initiatives at Farm Sanctuary, where he oversees work on litigation, legislation and regulation relating to farm animal welfare, as well as the Compassionate Communities campaign and the Someone, Not Something project. GiveWell spoke to Bruce Friedrich as part of its investigation of the cause of farm animal welfare. The conversation provided an overview of the organizations working on this issue, the legal framework for farm animals and legal advocacy, major successes of the movement, and Farm Sanctuary's work specifically.

Philanthropic funding for animal welfare

All of the funding for animal protection organizations combined would not rank among the 50 largest human rights charities. Furthermore, most of the funding for animal protection goes to dogs and cats, even though every year in the U.S., about 4 million dogs and cats are euthanized while about 9 billion farm animals are consumed. Farm animal protection is vastly under-resourced; it probably receives less funding in total than the top 10,000 individual charities ranked by budget size. From a utilitarian standpoint, if one wants to help animals, the place to put additional funding is in chicken or fish protection, because these represent the vast majority of animals raised for food in the U.S.

Organizations working on farm animal welfare

Coalition meetings

All of the groups that work significantly on farm animal issues work closely and well together. There is a coalition of farm animal welfare groups that meets in-person a few times per year, and participates in strategy calls every week when state legislatures are in session (approximately January – July) and every other week when legislative action in the states is dormant. On these calls, which are lead by HSUS, groups discuss what they are working on and get input on projects. They also use the calls to rally support and encourage each other to take action on specific issues.

Roles of different groups

There are many worthy things to be done and many that go undone for lack of resources. The people who work on animal welfare look for unfulfilled niches, so there's very little wasted energy in the field in general, especially in farm animal protection.

These are the roles played by some of the major groups working on farm animal welfare:

- Humane Society of the United States (HSUS) is the undisputed leader on policy change for farm animals. HSUS takes the lead on most advocacy work at the federal and state level; it has directors and lobbyists in nearly every state.
- American Society for the Prevention of Cruelty to Animals (ASPCA) is also a major leader on policy work, with staff at the state level, and it is a significant funder of Humane Farm Animal Care, an alternative certification program that mandates a meaningful decrease in suffering for farm animals (though it isn't as high a standard as the Animal Welfare Institute's Animal Welfare Approved program). ASPCA has started to build a distinct farm animal protection team in the last couple of years that will work similarly to HSUS's farm animal team and farm animal welfare groups.
- The Animal Welfare Institute (AWI) does some lobbying at the federal level, does great regulatory work on an array of farm animal issues, and also runs an Animal Welfare Approved program, which is the best of the farm animal welfare certification programs.
- Mercy for Animals and HSUS do the most investigative work, followed by Compassion Over Killing (COK) and People for the Ethical Treatment of Animals (PETA).
- Mercy for Animals, PETA, Vegan Outreach, FARM, COK, and the Humane League do the most work on vegan and vegetarian outreach—advocating for full scale societal and individual change. PETA does superb work with celebrities to change the status of animals in society.
- Animal Legal Defense Fund sues animal abusers and does some great work against foie gras and in other regulatory areas of farm animal welfare, as do HSUS, Mercy for Animals, Compassion Over Killing, and Farm Sanctuary.
- Compassion in World Farming is the organization that is responsible for most of the animal welfare improvements in the U.K. It has a very small staff in the U.S., but they are up and coming, with a focus on poultry welfare.
- Farm Forward works on alternative farming systems, focusing on the highest possible welfare. They are also helping the ASPCA with its excellent new poultry welfare campaign, and they are doing amazing work on a new documentary movie, based on Jonathan Safran Foer's book, *Eating Animals*.

Legal framework for farm animals

Though animal welfare laws are not as strong as they should be, they do protect dogs and cats to some degree. With farm animals, however, people will only be prosecuted if they engage in sadistic cruelty, and this happens extremely rarely, and has only been the case for the last 15 years. The way that farm animals are treated would warrant felony cruelty

charges if dogs and cats were similarly abused.

The Animal Welfare Act, originally passed in 1966, exempts farm animals altogether. The Humane Methods of Slaughter Act, which governs the slaughter of farm animals, only covers mammals, so birds raised for food have no federal legal protections, despite the fact that 98.5% of slaughtered farm animals are chickens and turkeys. Birds raised for food are technically covered under some states' anti-cruelty laws, but states are reluctant to claim any jurisdictional authority in federally inspected slaughterhouses, so birds essentially receive no legal protection at slaughterhouses. On farms, there is no federal oversight, so there have actually been a few prosecutions for egregious abuses of birds under state anti-cruelty statutes, all of which have occurred in the last few years.

Humane Methods of Slaughter Act

The Humane Methods of Slaughter Act was passed in 1958, at which point it only applied to meat bought by the federal government. In the late 1970s, Senator Bob Dole introduced an amendment to expand the Act to all federally inspected slaughterhouses that slaughter mammals. There have only been 2 criminal prosecutions under the Humane Methods of Slaughter Act in the history of the country, in 2011 and 2012. Violations of the Act, however, are constant; multiple reports from the Government Accountability Office and the Office of the Inspector General of USDA indicate that the Humane Methods of Slaughter Act is very poorly enforced. For a recent report, the Office of the Inspector General audited pig slaughterhouses and found that the inspectors employed in them did not understand what the Act was or what to do when they found violations of it.

State anti-cruelty laws

State anti-cruelty laws go back about a hundred years and are continually being updated. These laws vary radically by state. For example, New York does not allow a felony cruelty charge for any abuse of a farm animal (one could light a shed full of chickens on fire for pure sadism, and it would not be considered a felony in the state of New York). If just one *pet* chicken were lit on fire, however, that would be a felony in New York. In North Carolina, there are felony provisions for repeated or egregious abuses of farm animals. HSUS and ASPCA work extensively on state cruelty statutes. 49 states currently have some sort of felony-level conviction process for at least some animals.

Regulations

The "no downer" law bans the slaughter of non-ambulatory cattle (those who are too sick or injured to walk off of the transport truck that brings them to a slaughterhouse). Before the passage of this bill a few years ago, downed animals were held in a waiting area and left to suffer; now, the "no downer" law requires that they be removed from the slaughter process and euthanized.

The "28 hour law," which requires that farm animals in transport be stopped and rested at least every 28 hours, currently applies only to mammals and is completely unenforced

(there has never been a prosecution for violation of it).

Legal advocacy

Regulation

The vast majority of laws relating to animal welfare are made through regulation, using the authority of statute, not through legislation. For example, the Humane Methods of Slaughter Act has been used to promulgate regulations through USDA, some of which are good for animals, such as the "no downer" law. HSUS successfully petitioned to include calves in this legislation, which previously only applied to adult cattle. Farm Sanctuary petitioned to expand the "no downer" law to all mammals (i.e., to add pigs, goats, sheep), but its petition was denied. There are at least 5 times as many pigs as adult cattle who arrive at slaughterhouses in "downed" condition, so it's critically important that this ban is extended to all animals. After Farm Sanctuary's petition was denied, the European Food Safety Authority released information indicating that meat adulteration levels are drastically higher from downed animals. Farm Sanctuary is now working to re-petition USDA on the basis of this information and to challenge the absurd contentions that USDA made in its denial letter.

Farm Sanctuary is also working on a petition to USDA to promote regulations focused on decreasing the abuse of birds at slaughter. The Poultry Products Inspection Act dictates that the Food Safety Inspection Service, which is a division of USDA, is supposed to ensure that meat has as little adulteration as possible. Meat from abused animals is likely to have higher rates of adulteration, so reducing the abuse of birds at slaughter would help reduce adulteration levels. The legal argument here is strong, but in the regulatory arena that is not a guarantee of success. If the petition were to affect regulatory improvements, it would improve dying conditions for 9 billion animals every single year.

Litigation

HSUS and PETA do the lion's share of the litigation work for farm animal welfare, though COK and MFA are also doing some good work in this area. Farm Sanctuary also does a lot of work with pro bono attorneys, especially at the Lewis and Clark legal clinic, and more recently with Columbia University's environmental clinic.

The vast majority of abuses documented through undercover investigations don't result in any kind of cruelty charge. Even on "organic" or "humane" farms, the abuses that are meted out against farm animals would warrant prosecution under state cruelty laws if the animals were dogs or cats.

Legislation

Up until 3 years ago, legislative work on behalf of farm animals was 100% proactive (trying to get new legislation passed, like the 9 state laws that ban gestation crates, the 7 that ban

veal crates, the 2 that ban battery cages, and the 1 that bans foie gras). Over the past three years, "ag gag" laws, livestock board bills and the King amendment have necessitated defensive legislative work as well. Considering all policy work (legislation, regulation, and litigation), it's probably about 70% proactive, 30% defensive now. The defensive work is mostly on defeating the King amendment (more below), "ag gag" laws, and livestock board bills. "Ag gag" laws are targeted at making it illegal to conduct undercover reporting at factory farms and slaughterhouses. All 11 "ag gag" laws proposed in the in the last legislative session were defeated, and 7 of 10 were defeated the previous year. Livestock boards are being proposed in a few states as an alternative to regulation – boards would provide "advice" on conditions for animal agriculture, but these boards are made up of people from industry, so they would essentially just defend confinement agriculture practices.

Farm Bill and the King amendment

When the Farm Bill is being considered for reauthorization in Congress, that becomes the top legislative priority for all groups working on farm issues. This year, the majority of farm animal welfare groups are advocating in favor of legislation to ban barren battery cages for egg-laying hens raised in the U.S., an agreement with industry and HSUS.

The other focus of farm animal welfare groups is preventing the King amendment from being included in the Farm Bill. The King amendment would prohibit states from setting requirements for agricultural products sold in their state that demand a higher welfare-standard for production than the least restrictive production standards in any state. This amendment would harm state legislation that has raised welfare standards for production as well, because if states are unable to set standards for *sale*, in-state producers bound by higher welfare standards for *production* would be outcompeted by producers from less restrictive states. The laws that prohibit particularly cruel, anti-environmental, anti-worker or anti-consumer practices are only successful because of prohibitions on sale of non-compliant products.

Steve King is a Republican representative from Iowa, which is one of the top egg and meat producing states. King has defended dogfighting – he is not a friend of animals. King is a member of the House Committee on Agriculture and has close alliances with Frank Lucas, a representative from Oklahoma and chair of the committee. King has stated that his motivation for proposing the amendment was to prevent California from requiring that all eggs sold in the state comply with its ban on battery cages (part of Proposition 2, see below).

Advocacy against the King amendment

There are approximately 12 animal protection groups that work on federal legislation, and all have focused a lot of their advocacy efforts on the King amendment, and some on the battery cage ban as well. This work has been lead by HSUS, ASPCA, and AWI, because these groups have the most robust lobbying teams.

Mr. Friedrich participated in a meeting about the King Amendment with the AWI, ASPCA and staff for members of Congress, including the chair of the House Committee on Agriculture and the ranking members of the House and Senate. Mr. Friedrich also spoke with agriculture staff for the chair of the Senate Agriculture Committee about what animal welfare groups could do to help defeat the King amendment.

Likelihood of passing

Mr. Friedrich stated that the King amendment is not likely to be included in the final version of the Farm Bill, though it is extremely dangerous and groups shouldn't act complacent. Steve King was not able to get it introduced as stand-alone legislation, and though it is included in the House version of the bill it is not included in the Senate version. The amendment was not subjected to debate in the Agriculture committee or on the House floor. This is the first time that legislation like the King amendment has been proposed. If it is not included in this version of the Farm Bill, it seems unlikely that it will be introduced again. If it is, it would probably have even less traction, given that King had the element of surprise in his favor this year.

Major successes of the movement

Proposition 2 in California

Proposition 2 in California, which bans battery cages for egg-laying hens, gestation crates for pigs and veal crates for calves, effective January 1, 2015, is the greatest success to date for farm animal welfare. It got more votes than any other ballot initiative in California history, despite the opposition spending more than \$10 million to try to defeat it. HSUS was the primary supporter of Proposition 2, but Farm Sanctuary put \$0.5 million into it and mobilized activists to support it. Farm animal welfare groups argued in favor of Proposition 2 on the grounds that it is cruel to confine animals in ways that destroy them psychologically and physiologically, and industry responded not by repudiating this assertion, but by saying it was going to cause costs to rise and that eggs would start to be imported from Mexico. (There was a xenophobic vibe to their messaging).

Animal protection is a bi-partisan issue. Proposition 2 received almost 70% of the vote in California, with support coming from every demographic. The victory of Proposition 2 was due to effective outreach and education, a coordinated effort by nearly every animal protection organization in the country, and the people of California and editorial boards standing against animal cruelty.

Meat consumption declining

Another success for farm animal protection is that animal consumption on a per capita basis has been declining over the last five or six years. Millions fewer animals were eaten in 2012 than in 2006. This is probably due to a greater awareness of the health and environmental impacts of meat consumption in addition to more people realizing that

there is no better justification for eating chickens and pigs than there is for eating dogs and cats.

Ban on sale of foie gras in California

California's ban on foie gras, which was passed in 2004 and took effect in 2012, was another success for farm animal protection. Although foie gras production is illegal in about 15 countries, California is the only place in the world where foie gras sale is illegal. This ban has withstood a couple of court challenges.

Farm Sanctuary's work

Budget allocations

Most of Farm Sanctuary's budget funds its three sanctuaries. Farm Sanctuary provides lifelong care to more than a thousand animals and has placed thousands more animals. Farm Sanctuary was formed in 1986 with the mission of caring for animals in its sanctuaries. Those animals serve as ambassadors for the 9 billion land animals who are slaughtered every year.

A smaller portion of the budget goes to education at the sanctuaries and broader communications. Farm Sanctuary attempts to bring the sanctuary experience to a broader audience through its website, communications, and earned media attention. For example, there was news coverage around the country of Farm Sanctuary's rescue of more than one thousand chickens from a factory farm in California. The story was covered in the *New York Times*, *News York Daily News*, *Associated Press*, and on the Today Show. That earned media is incredibly valuable because it introduces people to who farmed animals are.

Farm Sanctuary also allocates some funds for advocacy, though it is a relatively small proportion of its budget.

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