

Farmed Animal Protection Laws in the U.S.



Photo: Visionshare, Creative Commons

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United States statutory law:

Federal law– applies to all 50 states and all individuals in the U.S.

Passed by U.S. Congress, executive orders (President), interpreted by federal courts. U.S. Supreme Court is the highest federal court.

Certain subject matter is exclusively governed by federal law, for example, international affairs, national defense, immigration, patents and copyrights.

The United States Constitution is the supreme law of the U.S. No federal or state law may violate it.

State law – applies to everyone in that state. Passed by state legislatures, signed by state governors, interpreted by state courts.

Each state has a state constitution, which represents the highest legal authority. State laws may not violate the state constitution, the federal constitution, or federal law.

If there is a conflict between a federal and state law, the general rule is that federal law “preempts” state law (exceptions apply).

Federal Animal Welfare Act, 7 USCS § 2132(g) DOES NOT PROTECT FARMED ANIMALS.

“The term ‘animal’... excludes... (3) other farm animals, such as, but not limited to livestock or poultry, used or intended for use as food or fiber, or livestock or poultry used or intended for use for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber.”



Photo: Farm Sanctuary

Federal Humane Transport Act, aka 28 Hour Law, 49 USC §80502 :

When transporting animals interstate, “may not confine animals in a vehicle or vessel for more than 28 consecutive hours without unloading the animals for feeding, water, and rest.”

--Limited to transport of farmed animals– does not apply to CAFOs



Photo: Creative Commons, United Poultry Concerns,
<http://www.upc-online.org/chickens/chickensbro.html>

Federal Humane Methods of Livestock Slaughter Act, 7 USC §§ 1901-1907 -

Requires that livestock be quickly rendered insensible to pain before being slaughtered. Excludes poultry.

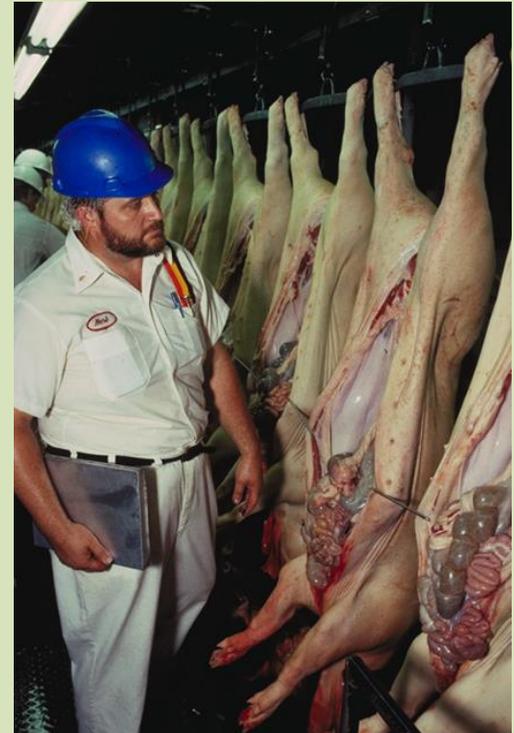
“Either of the following two methods of slaughtering and handling are hereby found to be humane:

(a) in the case of cattle, calves, horses, mules, sheep, swine, and other livestock, all animals are rendered insensible to pain by a single blow or gunshot or an electrical, chemical or other means that is rapid and effective, before being shackled, hoisted, thrown, cast, or cut; or “

(b) Ritual slaughter

HMLSA does not apply to animals living in CAFOs.

Source: Creative Commons, Wikipedia, U.S. Department of Agriculture Inspector inspecting pig carcasses



State anti-cruelty laws: All 50 states have anti-cruelty laws. However, the majority of these laws specifically exempt farmed animals or customary, standard husbandry practices , such as dehorning, debeaking, castration, tail docking, toe clipping gestation and farrowing crates for sows,, battery cages for egg-laying hens, forced molting...

E.g., Washington State Anti-Cruelty Law: RCW 16.52.185

Exclusions from chapter. “Nothing in this chapter applies to accepted husbandry practices used in the commercial raising or slaughtering of livestock or poultry, or products thereof ...”



Sows in gestation crates

Photo:Source: Creative Commons, Wikipedia

Voter Initiative process in certain U.S. states:

2002: Florida bans gestation crates for pigs.

2004: California bans sale and production of foie gras.

2006 Arizona bans gestation crates, veal crates.

2007: Oregon Legislature bans gestation crates.

2008: California bans gestation crates, veal crates, battery cages.

2008: Colorado bans gestation crates and veal crates.

2009: Maine bans gestation crates.

2009: Michigan bans gestation crates and veal crates.

2009: California bans tail docking of cattle.

2010: Ohio Farm Bureau adopts regulations banning gestation crates, veal crates; puts moratorium on the construction of new battery cage egg facilities in that state.

2010: California Legislature outlaws sale of whole eggs from battery caged hens.

2012: Rhode Island outlaws gestation crates, veal crates and cattle tail-docking.

Utah Code 76-6-112. “Agricultural operation interference

(1) As used in this section, “agricultural operation” means private property used for the production of livestock, poultry, livestock products, or poultry products.

(2) A person is guilty of agricultural operation interference if the person:

(a) without consent from the owner of the agricultural operation, or the owner’s agent, knowingly or intentionally records an image of, or sound from, the agricultural operation by leaving a recording device on the agricultural operation;

(b) obtains access to an agricultural operation under false pretenses;

(c) (i) applies for employment at an agricultural operation with the intent to record an image of, or sound from, the agricultural operation;...”

A person who violates this law is guilty of a misdemeanor.



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[For more information about factory farming,
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