



NAIA

Animal Policy Review

A publication of the National Animal Interest Alliance dedicated to analysis of legislation, regulations, and policies that affect animals and animal owners

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AVMA stands strong for livestock welfare, fires back at Pew report, HSUS slurs

The American Veterinary Medical Association fired back at critics of modern livestock farming practices and the criticism of veterinarians who are on the front lines of food animal care.

Citing several errors in *Putting Meat on the Table: Industrial Farm Animal Production in America*, a report issued by the Pew Commission on Industrial Farm Animal Production, AVMA issued a rebuttal to Congress in August 2009. Almost immediately, HSUS chief executive officer Wayne Pacelle condemned AVMA as a tool of the agriculture industry that is “out of step” and “typically takes unfriendly positions on many of the major animal welfare questions of the day.”

AVMA chief executive officer Ron DeHaven DVM stood firm: “Once again, Mr. Pacelle has resorted to misleading statements. His attempt to paint the AVMA and veterinarians in a negative light is little more than an attempt

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Veterinarian Maureen Hall gets supplies from her truck and examines a Holstein calf at a Midwest farm. Photos courtesy of AVMA



Ohio farmers champion animal welfare regulations

Ohio farmers want science and experience to guide their animal welfare regulations, not an out-of-state fund-raising organization.

Confronted by a demand from the Humane Society of the US that they adopt livestock welfare regulations preferred by that organization, Ohio farmers and lawmakers opted for a different course: they put their own farm animal welfare measure on the state’s November

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Lab attackers lose appeal; court reaffirms Animal Enterprise Protection Act

The Third Federal District Court of Appeals quashed a petition¹ by radical anti-research group Stop Huntingdon Animal Cruelty² and a handful of its members to set aside their conviction for violations of the Animal Enterprise Protection Act. The court determined that the AEPA does not violate freedom of speech provisions in the US Constitution and was appropriately applied to the defendants.

The AEPA makes it a crime to cause physical disruption to an animal enterprise, intentionally cause damage or property loss to an animal enterprise, or conspire to cause physical or property damage to an animal enterprise. The case revolved around a years-long campaign against Huntingdon Life Sciences, a research facility that contracted to conduct animal trials required by law for companies that produced a variety of pharmaceuticals, agricultural and veterinary products and medical implants. About 85 percent of the work was done with rats and mice, but some dogs, primates, fish, and Guinea pigs were also used.

SHAC was formed in England, the original home of the biomedical research company. After thugs beat company

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NAIA Animal Policy Review

Norma Bennett Woolf, editor

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In the trenches

Dog owners fight hundreds of restrictive bills in 2009

In a nation that loves dogs, where dog owners spend multi-millions of dollars to feed and pamper their pets, and where the benefits of dog ownership are extolled almost daily, it seems counterintuitive that lawmakers would consider hundreds of bills to restrict ownership and limit dog breeding, but that's what happened in state legislative sessions this year.

Bills to limit the number of dogs a breeder can own, ban ownership of particular breeds, levy high fees on breeders and other owners of intact dogs, and place unreasonable controls on dog housing and care were heard in more than 30 states.

NAIA Trust (the legislative arm of NAIA) tracked some 650 animal bills throughout the country and worked on 78 of the most critical. The vast majority of these bills affected dog breeders and other owners. For more information, see the NAIA Trust website at www.naiatrust.org

Kennel regulation bills

The big push nationwide was to restrict operation of commercial kennels that produce purebred and mixed breed puppies for sale in pet stores and directly to the public. Some bills sought to regulate breeders by limiting the number of dogs they could own. Others proposed to do the job with high fees and housing standards that require financial outlays that could easily drive some of these breeders out of business or avocation.

Although many of these bills were promoted by local or regional activist groups, the heavy hand of the Humane



Most of the proposed kennel regulation bills hit large-scale breeders hardest, but many included provisions that subjected all breeders to onerous regulations and high license fees.

Society of the US was evident throughout. HSUS lobbied for many of the bills directly, urged supporters to send letters, did media interviews, and sent press releases and op-

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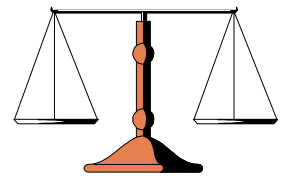
Judge dismisses suit against Petland and Hunte Corporation

Ruling that plaintiffs had not met the burden of proof required by law, Judge David Campbell of the US District Court in Arizona dismissed a lawsuit against puppy retailer Petland and puppy broker Hunte Corporation on August 8, 2009. Throughout his 11-page decision, Campbell noted that the plaintiffs' allegations lacked specificity and were therefore insufficient as evidence of fraud or other crimes.

Plaintiffs in the suit were puppy buyers who accused Petland of fraud for allegedly misrepresenting their pets as healthy puppies from family and professional breeders. Some of the plaintiffs were members of the Humane Society of the US, an organization known for its campaign against commercial puppy production and sale. Filing of the suit followed the November 2008 announcement that HSUS had finished an eight-month long investigation of Petland that accused the retail chain of buying puppies from substandard facilities.

The lawsuit was filed as a class action accusing Petland of violations of the Racketeering Influenced and Corrupt Practices Act (RICO), a federal statute used to target organized crime, and of breaking consumer protection laws in several states. It also alleged that Petland and Hunte entered into a conspiracy to sell unfit puppies through Petland stores in 20 states.

Plaintiffs were allowed until August 29 to file an amended complaint but there is no indication that they did so.



Dog owners fight hundreds of restrictive bills in 2009

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ed columns, and fired up its campaign against commercial kennels and pet store puppy sales.

Activist groups promoting these bills drew public support with half-truths and innuendo, leading people to believe that all commercial kennels are “puppy mills” and building animosity for breeders and pet stores. The bills were tailored to the constituencies in each state. In California, Maryland, and Florida, breeders would have been limited to 50 dogs regardless of the size of their facilities or staffs. In Illinois, the magic number was 20; in Indiana, it was 30; and Colorado split the difference at 25. The Nebraska bill defined a commercial breeder as anyone with more than four dogs intended for breeding as well as anyone who sold more than 30 dogs or produced more than four litters in a year.

In New York, the bill defined a commercial kennel as anyone who sells more than 60 dogs in a year or sells even one dog to a dealer. That bill has a second category of pet dealer to cover anyone who sells more than five animals per year if they are raised in a kennel or more than 10 animals per year if they are raised in a home.

Bills in Ohio defined a regulated dog breeding kennel as one with more than nine litters or 40 puppies per year. The Oregon bill banned ownership of more than 25 dogs, the Tennessee bills defined a commercial kennel as one that maintains more than 19 adult female dogs for breeding and banned ownership of more than 75 breeding dogs. The Washington bill banned ownership of more than 25 dogs and defined a commercial kennel as one with more than 10 dogs.

Most of the bills imposed engineering standards on the kennels they defined as commercial, forcing these breeders to adopt one-size-fits-all housing and care requirements on dogs from tiny Chihuahuas to giant Newfoundlands. In ad-

Activist groups promoting these bills drew public support with half-truths and innuendo, leading people to believe that all commercial kennels are “puppy mills” and building animosity for breeders and pet stores.

dition, the bills usually set high permit fees and questionable penalties for violations of standards that had little or nothing to do with dog health or well-being.

A major issue in many of these bills were provisions that allowed authorities to impound dogs and dispose of them prior to adjudication of the case if owners did not post a bond for their care. Some of the bills failed to include language that requires return of the dogs and the bond if the breeder was acquitted of the charges. (See

“Court grants judgment against bond provision in Louisville animal control law on page 5.)

Some of these bills passed (Indiana, Oregon, Tennessee, Washington) in spite of intensified opposition from breeders throughout each state and breeder organizations throughout the US. One (Illinois) spawned a task force to investigate the issues raised; some (Colorado, Florida, Texas, and Maryland), died at the end of legislative sessions, and some (New York, Ohio) are still pending.

Other dog bills

Several states considered bans or restrictions on the ownership of dogs identified as pit bulls, and bills banning or restricting the tethering of dogs popped up in some legislatures. Some legislatures looked at bills to increase penalties for animal cruelty and New Jersey looked at state-wide mandatory sterilization of all dogs acquired from animal shelters. Connecticut passed a “lemon law” to protect puppy buyers but defeated an anti-tethering law and a bill to define the term “puppy mill.”

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Donna Herzig, Attorney at Law

Donna Herzig has worn many hats throughout her multifaceted career, including teacher, business consultant and tax attorney while feeding a passion for breeding champion dogs. As part of a natural progression reflecting her legal background as well as her active involvement in the sport of pure bred dogs for more than 27 years, Donna has served on numerous legislative policy and drafting committees. Her efforts have been focused on the issues surrounding the government-private ownership relationship of humans and animals with a commitment to honoring the human-animal bond and ensuring fair and non-discriminatory laws. Donna has served as legislative chairman for the past 16 years for the Louisville Kennel Club and is directly involved in litigation challenging the constitutionality of a severely harmful ordinance passed in Louisville, Kentucky. (See “Court grants judgment against bond provision in Louisville animal control law” on page 5.)

SCOTUS hears challenge to crush video law

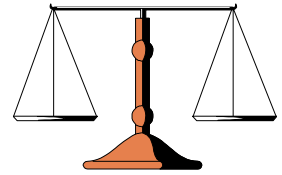
On October 6, US Supreme Court justices heard arguments in *US v Stevens*, a case challenging the constitutionality of a 1999 law written to prohibit depictions of animal cruelty.

The law bans the creation of and commerce in depictions of animal cruelty, defined as visual or auditory recordings in which a living animal is intentionally maimed, mutilated, tortured, wounded, or killed. Recordings of serious religious, scientific, educational, journalistic, historical, or artistic value are exempt. The law was passed amid concern about pornographic “crush videos” in which women stomped small animals to death.

In 2005, Robert Stevens, a pit bull owner and trainer from Virginia, became the first person to be tried and convicted under the statute for dissemination of videos that included dog fighting scenes and footage of a hunting dog holding a wild boar. At issue is whether the law stifles freedom of speech in defiance of the First Amendment by including recordings and pictures that are not considered pornographic.

Stevens’ arrest and conviction struck fear into the hearts of hunters, dog sportsmen, and rodeo contestants who participate in activities and events that are legal but show activities that can result in animal injuries or deaths. Further-

more, in light of growing animal activist campaigns to malign and ban many of these activities as cruel, today’s competitors fear that their sports may be outlawed, making them subject to charges under the law in the future.



The Third Federal District Court overturned Stevens’ conviction based in part on the contention that to uphold the law would be to create another category of exceptions to First Amendment protections. The government contended that the law should be viewed as equivalent to the exception allowing the government to ban depictions of child pornography, but the court did not agree.

Opposition to the law is not limited to those who hunt or join in animal sports. Artists and civil libertarians are worried about censorship, and news organizations have expressed concern about losing their ability to cover animal abuse and other activities that present graphic images.

For more information see the District Court decision at <http://www.ca3.uscourts.gov/opinarch/052497p.pdf> and the SCOTUS transcript and amicus briefs at http://scotuswiki.com/index.php?title=United_States_v._Stevens

Court grants judgment against bond provision in Louisville animal control law

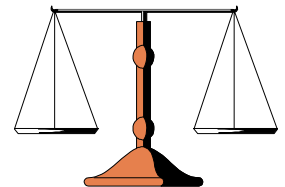
Federal Court Judge Charles Simpson III upheld the plaintiffs’ challenge against a bonding provision in the Louisville Metro animal control law, a decision that could resound throughout the country.

The decision came in a challenge to several parts of the law by the Louisville Kennel Club and other plaintiffs.

At issue was a provision in the law that allowed the animal control agency to dispose of an impounded dog prior to adjudication of a case if the dog owner failed to pay a \$450 bond for the animal’s care. Confirming a previous decision that owners have a property interest in their dogs, Judge Simpson wrote of the law, “the risk of erroneous deprivation of property is significant.”

Plaintiffs had argued that four sections of the law appear to violate the 4th Amendment of the US Constitution by authorizing warrantless searches and seizures of property. Judge Simpson disagreed on one count and reaffirmed the need for a warrant to impound dogs that appear to be tethered or abused in violation of the law on the other three sections. He also enjoined the metro animal control from requiring written approval of fencing for intact dogs.

The decision enjoining the bond provision, the reaffirmation that dogs are property, and the reiteration that warrants are necessary to search and seize private property have the potential to set precedents for challenges to other animal control and cruelty laws.



Visit NAIA Trust at www.naiatrust.org for more information about state and national legislation affecting animals, animal owners, and animal enterprises.

Dog owners fight hundreds of restrictive bills in 2009

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A few states considered bans or limits on tail docking, ear cropping, bark softening, and dew claw removal in dogs, some to specify that only veterinarians can perform the procedures, other to ban them entirely.

Other animal bills

Dogs and their people weren't the only targets of animal legislation in 2009.

Bills restricting or outlawing hunting of particular species, banning certain livestock housing practices, banning or limiting ownership of reptiles and other exotics, and restricting the use of animals in research and education – all subjects of activist campaigns to limit or bar animal uses – also made it to legislative committees.

Connecticut lawmakers saw bills in almost all categories. Activists sought to forbid the use of bullhooks to guide and reassure elephants in zoos and circuses; replace the use

of research animals with alternatives; ban ownership of big cats; outlaw certain types of confinement for pigs, hens, and calves; tighten bans on cockfighting; prohibit the use of leghold traps for trappers and conservationists; and allow students to opt out of dissection in science classes.

California lawmakers passed a bill to ban tail docking in dairy cattle, and considered a bill to raise the penalties for poaching. New York lawmakers looked at banning the slaughter of horses for human consumption while Illinois legislators considered a bill to repeal its current ban on the practice. The New York bill is pending; the Illinois bill died.

And so it goes. This is just a partial listing of the hundreds of bills affecting animals and their owners and fanciers in ways both good and bad. The battle will continue as bills, amendments, letter-writing campaigns, and appeals to emotion and reason spur animal owners, conservationists, hunters, researchers, farmers, and others to get involved in the legislative process.

Dogs are dead, so acquitted owners sue Louisiana SPCA

Acquitted of dog fighting, two Louisiana men are suing the Louisiana SPCA for killing their dogs.

In March 2005, after a two-month investigation that included surveillance by helicopter, Louisiana officials arrested Floyd Boudreaux, 70, and his son Guy Boudreaux for the brutal crime of dog fighting. The Boudreaux dogs were impounded and euthanized before the men could post a bond to keep them alive.

The Boudreaux men were charged with more than 50 violations of dog fighting law in January 2006 and went to trial in October 2008. After three days of considering evidence, the judge cleared them of the malicious felonies. The men have now sued the Louisiana SPCA for the loss of their dogs.

The Humane Society of the US assisted with the investigation and jumped the gun with a March 11, 2005, press release. Calling the elder Boudreaux “one of the nation’s most notorious dogfighters,” HSUS bragged about busting a key player among dog fighters.

“The HSUS is proud to work with Louisiana State Police, Louisiana SPCA and federal agents to disable Boudreaux’s operation. This is a message to all animal fighters who believe their conduct is beyond the law’s reach. If we can arrest a kingpin like Boudreaux, then no dog fighter is safe from arrest and prosecution.” (See HSUS press release at http://www.hsus.org/acf/news/pressrel/dogfighter_floyd_boudreaux_property_raid.html)

Louisiana law allows for humane destruction of dogs seized in dog fighting cases but also allows owners to post bond within 15 days of the seizure and requires return of dogs and other seized items if defendants are acquitted.



Ken Marden

Ken is past president of the American Kennel Club, where his major accomplishments included the establishment of the canine legislative department and new performance events. He has been a member of the AKC board of directors for 17 years. Ken has bred and campaigned German Shorthaired Pointers for 40 years and has judged pointing breed field trials since 1966. A lifetime hunter and fly fisherman, he actively opposes unfair dog legislation and laws proposed by animal rights fanatics in their attempts to restrict hunting, fishing and trapping. He has a deep understanding of the negative consequences of animal extremism and terrorism on the lives of farmers and ranchers.

Ohio farmers want animal welfare regulations

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ballot.

If approved, Issue 2 will amend the state constitution by establishing a livestock welfare board of veterinarians, farmers, and other experts to develop and administer guidelines for the raising and care of farm animals. The board would have 13 members, including the director of the Ohio Department of Agriculture, three family farmers, two veterinarians, a food safety expert, a representative of a local humane society, two members from statewide farm organizations, the dean of an Ohio agriculture college, and two members representing Ohio consumers.

Dozens of organizations, officials, and individuals support Issue 2, including state associations for sheep, dairy cattle, beef cattle, poultry, pig, corn, wheat, and soybean farmers; the Ohio Horseman's Council, the Ohio Farm Bureau Federation, the Ohio Livestock Coalition, the Ohio Chamber of Commerce, the County Commissioners Association, the Ohio Restaurant Association, and the Ohio Veterinary Medical Association. Governor Ted Strickland, Senator George Voinovich, several members of Ohio's Congressional delegation and state lawmakers and other state and local elected officials also support the measure.

Major opposition is from HSUS and the Ohio Farmers Union, a splinter group of farmers. Both groups claim that the board will favor agribusiness and corporate farms even though the board will include at least three family farmers and many of Ohio's corporate farms are family farms.

The matter of who will control agricultural policy in Ohio is at stake: Will it be an anti-meat organization that promotes a vegan lifestyle or farmers and scientists who spend their lives providing the best care they can and making improvements where necessary?

If Issue 2 passes, board members will use experience and scientific research to devise standards and make deci-



Animal rights groups want to impose their standards on poultry farmers who raise chickens for eggs and meat regardless of the impact on animal safety and the economic impact on food prices.

sions.

If Issue 2 fails, HSUS and other extreme groups are likely to push for a ban on specific types of housing for veal calves, poultry, and breeding pigs. This one-dimensional approach to livestock welfare paints farmers as uncaring, ignores the complex issues surrounding livestock welfare, and denigrates the dedication of veterinarians and other scientists and farmers to balance animal welfare needs, disease prevention, and housing practices with the economic realities of raising animals for food and fiber. This simplistic but emotional strategy has been successful in other states: voters in Florida and California passed bans on these housing practices and lawmakers in Michigan recently caved to threats of a ballot initiative in 2010 if the legislature did not agree to the HSUS phase-out of specific confinement practices for pigs, hens, and dairy calves.

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Check out the NAIA position statements on agriculture, animal husbandry and other subjects at <http://www.naiaonline.org/about/positions.htm>

A researcher's thoughts on animal use

Morrison, Adrian R. * *An Odyssey with Animals: A Veterinarian's Reflections on the Animal Rights & Welfare Debate*. New York, NY, Oxford University Press, 2009. 272 pp. \$29.95.

Professor Morrison's odyssey with animals began in his childhood, but it took an abrupt and alarming turn in 1981. That year, Dr. Edward Taub, another neuroscientist, was accused of animal cruelty and Morrison made the momentous and courageous decision to testify on Taub's behalf at his trial. That testimony brought him to the attention of extremists who opposed animal research and to a position of leadership among researchers for his willingness to speak out. Even as radicals trashed his laboratory, harassed his neighbors and colleagues, and accused him of torturing the cats used in his research, he persevered to become a leading spokesman for biomedical research and for good animal welfare practices in laboratories.

Odyssey is partly a story of Morrison's role as defender of animal research and partly a thought-provoking self-examination of his own perception of the human-animal bond in all of its forms. However, the core of the book is a wonderful glimpse into the laboratory and the dedicated researchers who make medical progress possible. Although others have written of Taub, John Orem, Thomas Gennerelli, and Morrison himself, few have done so as insiders who can speak with authority on the canons of research and the character and dedication of those who do the work.

The chapters "Doing Science" and "Biomedical Research and Its Animals" are gems that could be used to counter animal rights propaganda about biomedical research in high school biology classes and curb the rush to do away with dissections. In these chapters, Morrison points out that society's raised consciousness about animal welfare has not necessarily resulted in greater knowledge about animals themselves, and he immediately sets out to dispel misunderstandings about the goings on in the laboratory. He explains often haphazard processes involved in moving from an idea or a point of curiosity to the discovery of new drugs,

procedures, and perhaps whole new fields of medicine, mainly by following his own investigations of brain activity during sleep, first with cats, then with rats and mice. This personal tour brings home the complexities of "doing" science and the personal commitment and compassion of the scientists.

Following his tour of the laboratory, Morrison debunks the writings of animal rights activists who fudge research data for their own purposes and chronicles the history of modern animal rights activism. He delves into the nature of animals and explores other reasonable uses of animals for food, fiber, entertainment, and sport. All the way, he emphasizes that the welfare of the animal must be a high priority even as he reaffirms his belief that man has the right to use other species for his own benefit.

Odyssey is not an emotional defense of animal use although it is loaded with introspection about animals and peppered with personal thoughts and observations. Unlike the activists who use sensationalism and hyperbole, destroy property, and defame and harass researchers and their families, friends, and supporters to make their case against research, Morrison makes an ethical, moral and sensible argument for biomedical research even while cutting moderate activists some slack. The book is invaluable for anyone who wants to understand lab animal medical research as well as for the lawmakers and policy wonks who will write laws and regulations to govern research activities.

* Adrian R. Morrison DVM, PhD is a neuroscientist and veterinarian whose work in REM sleep is internationally known. Professor Emeritus of Behavioral Neuroscience at the University of Pennsylvania School of Veterinary Medicine, he is a founding member of NAIA and served as the organization's president in the early years.



Dissecting Peter Singer: Putting the animal rights guru under a microscope

By Adrian R. Morrison DVM, PhD

An article defending animal research can be found on the
NAIA website at

<http://www.naiaonline.org/articles/archives/disectps.htm>

AVMA stands strong for livestock welfare, fires back at Pew report, HSUS slurs

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to raise more money for his organization. Veterinarians choose their careers because they care about animals. At the same time, veterinarians understand that, when it comes to animal welfare, a knee-jerk response based solely on emotion, not science, might not be in the best interest of animals.”

The AVMA rebuttal

The Pew commission report studied large scale meat and egg production facilities in the US and determined that they cause pollution, are culprits in an increase of bacterial resistance to antibiotics, and result in cruelty to the pigs, chickens, and cattle that provide our meat, eggs, and milk.

AVMA responded that the Pew commission study was biased in its selection of academics to review the report and that the commission failed to include differing interpretations and conclusions offered by subject matter experts.

“Both in substance and in approach, therefore, the Pew report contains significant flaws and major deviations from both science and reality. These missteps lead to dangerous and under-informed recommendations about the nature of our food system — and shocking recommendations for interventions that are scarcely commensurate with risk. The report is, in many ways, a prolonged narrative designed to romanticize the small, independent farmer, while vilifying larger operations, based simply upon their size.”

The AVMA response covered three issues in the report: antimicrobial resistance, the environment, and animal welfare as the areas of highest relevance to veterinarians.

Antibiotics

The Pew commission report contended that subtherapeutic¹ uses of antibiotics in livestock contribute to the development of resistant bacteria in human populations and called for a ban.

AVMA responded that science-based studies and risk evaluations have not been done on this use and that, absent these studies, it is folly to impose a ban. Instead, AVMA said it supports the *Public Health Action Plan to Combat Antimicrobial Resistance*, a plan of the Federal Interagency Task Force on Antimicrobial Resistance.² This multi-agency approach calls for research to advance understanding of the risks and benefits of antibiotics and other antimicrobials in food animals, development of methods to prevent the emergence and spread of resistance to these drugs, improved animal husbandry practices to reduce the threat of infection, and a regulatory framework to address the use of anti-

“Both in substance and in approach, therefore, the Pew report contains significant flaws and major deviations from both science and reality. ... These missteps lead to dangerous and under-informed recommendations about the nature of our food system — and shocking recommendations for interventions that are scarcely commensurate with risk.”

microbial drug use in agriculture.

The AVMA report stated: “We believe the concepts developed by the task force are valid and should be adequately funded and implemented, whereas we assert that the Pew Commission’s process lacked the inclusive, transparent, unbiased, peer-reviewed, and scientific process that the action plan utilized.”

Furthermore, AVMA noted that risk assessments and epidemiological studies done in humans so far indicate that subtherapeutic uses of antibiotics in livestock is not a primary factor and the risk to people of resistant infections from consuming animal products appears to be infinitesimally small.

The environment

The Pew Commission report blamed manure from large farms and livestock confinement facilities for increases in human health problems due to air and water pollution and groundwater contamination.

AVMA responded that once again, Pew leapt to the conclusion based on size rather than the employment of risk assessments or an investigation of current laws and practices to ascertain the extent of air or water pollution caused by these facilities.

Pew cited four epidemiological studies as evidence that air pollution from livestock confinement facilities cause or exacerbate asthma. However, AVMA pointed out that “... examination of the published reports of these studies does not support this statement. All of the studies lacked direct measurements of exposure in study participants; most relied on self reports of illness, rather than providing objective measurement of adverse health effect. In general, authors of these studies were much more cautious in inter-

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AVMA stands strong for livestock welfare

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preparing their findings than was the Pew Commission. Authors emphasized the limitations of their studies, and suggested further epidemiologic study was needed before a causal relationship between air emissions and adverse community health outcomes could be established.”

The AVMA response also noted that both state and federal regulations require monitoring of air and water quality and that tighter CAFO (Confined Animal Feed Operations) standards will increase monitoring. States are also required to monitor surface water and groundwater pollutants under the Clean Water Act. In addition, land grant universities throughout the country conduct research on waste handling and fertilizer usage to increase efficiency and decrease the potential for pollution.

Animal welfare

The Pew report echoed the campaigns of several animal rights organizations in its disapproval of some intensive animal husbandry practices and instead recommended management systems that give pigs, chickens, and cattle more freedom of movement.

Noting that the Pew report reflects its authors’ views and prejudices and does not consider that maintaining good food animal welfare involves trade-offs, AVMA criticized the commission characterization of these practices as inhumane and challenged the simplistic alternatives offered in the report.

“In fact, simply increasing the space allotted to animals will always have both positive and negative effects. While increasing space may facilitate some beneficial behaviors (e.g., spontaneous activity, unimpeded conspecific socialization) it may also increase harmful behaviors (e.g., pecking, excessive mounting, competition for resources, general fearfulness). Furthermore, increasing space while main-

taining a barren environment is unlikely to substantively satisfy an animal’s behavioral needs, so space allocations must be considered in the context of genetics, enclosure design, conspecific interactions, and human monitoring and intervention.”

HSUS

The Humane Society of the US opposes intensive livestock confinement and other animal husbandry practices it labels as cruel. The organization has been successful in lobbying for state laws to ban some of these practices. Its most recent efforts have been made in Michigan, where the legislature compromised on livestock welfare regulations, and Ohio, where farmers and lawmakers joined forces to place a constitutional amendment on the November ballot. See the Ohio story in this issue.

What vets do for livestock

Livestock care is a complex issue that is not easily or reasonably dealt with by mandating the simplistic solutions advertised and promoted by HSUS and other advocacy groups. Veterinarians are deeply immersed in disease and behavior research at land grant universities and on-the-farm care of animals. Working as partners of their farm clients, they help solve health and behavior problems when they arise, test livestock for various diseases, observe and quantify the condition of animals kept in various housing configurations, and keep farmers and students up to date on the latest techniques and research results.

Unlike organizations that slap labels on large animal operations and try to legislate, regulate, or litigate them into conformance with arbitrary standards, veterinarians eschew preconceived notions about farming practices and depend on science and practical experience to determine a range of

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Gene Gregory

Mr. Gregory is the president and CEO of United Egg Producers, a national organization with egg producers in nearly every state, representing 97% of the nation’s egg production. Since entering the egg business in 1960, Mr. Gregory has held a diverse array of positions, managing numerous key areas of egg production and marketing. Among his responsibilities as Senior Vice President were the development of UEP’s 5-Star Total Quality Assurance Food Safety Program, UEP’s Animal Husbandry Guidelines and the UEP Certified animal welfare program.

AVMA stands strong for livestock welfare

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good and acceptable practices that fit each farm herd or flock and leave room for farmers to make their own decisions about which practices to use.

Notes

1. Subtherapeutic doses are lower than those used to treat disease. Farmers may add these levels of antibiotics to livestock feed to prevent disease and to promote growth.

2. A multi-agency approach coordinated by the US Centers for Disease Control and co-chaired by the Food and

Drug Administration, National Institutes of Health, Agency for Healthcare Research and Quality, Health Care Financing Administration, Health Resources and Services Administration, Department of Agriculture, Department of Defense, Department of Veterans Affairs, and the Environmental Protection Agency. See the report at <http://www.cdc.gov/drugresistance/actionplan/aractionplan.pdf>. The plan was developed with help from state and local health agencies, universities, professional societies, pharmaceutical companies, health care delivery organizations, agricultural producers, and consumer groups.

Lab attackers lose appeal; court reaffirms Animal Enterprise Protection Act

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managing director Brian Ross in 2001, the company moved its headquarters to the US. SHAC subsequently opened two branches here, one in New Jersey near the new company headquarters, the other in Seattle, Washington, home of a company that loaned money to Huntingdon.

SHAC and six of its members were indicted in 2004 and convicted of violating the AEPA in 2006. The defendants claimed that their conviction was unlawful because the AEPA violates the First Amendment and is therefore unconstitutional, both as law and as applied to their case. They also claimed that the trial judge erred in his instructions to the jury.

The charges against SHAC and the defendants included stalking and threats of violence against employees of companies that contracted with Huntingdon, use of electronic means to disrupt company business, and direct action that caused physical damage and loss of property to the company. The campaign against the company met with some success; many of its clients and some companies that provided it with services (insurance, loans, etc.) severed their relationships when their employees and officials were harassed.

In examining the statute and the evidence, the three-judge panel decided 3-0 that the law is constitutional and 2-1 that the conspiracy conviction should stand. The Court of Appeals heard arguments in January 2009 and rendered the decision in October 2009.

Notes

1. See the court decision at <http://www.ca3.uscourts.gov/opinarch/064211p.pdf>

2. NAIA followed the exploits of SHAC and its members from 2001 until the arrest in 2004. See “Feds indict ani-

mal rights group” at <http://www.naiaonline.org/articles/archives/shac.htm>; A Second Hearing on Eco-terrorism Specifically Examining Stop Huntingdon Animal Cruelty (SHAC) (transcript) at <http://www.naiaonline.org/pdfs/oct.%2026,%202005%20eco-terrorism%20transcript.pdf>; California arson fits domestic terrorist pattern at [http://www.naiaonline.org/articles/archives/ca_arson_terrorist\(8-7-03\).htm](http://www.naiaonline.org/articles/archives/ca_arson_terrorist(8-7-03).htm); and “Huntingdon, Stephens weather October protests” at <http://www.naiaonline.org/articles/archives/huntingdon2.htm>



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