



Animal Welfare Institute

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July 26, 2012

Dr. Robert Stout, Chairman
Kentucky Livestock Care Standards Commission
100 Fair Oaks, 2nd Floor
Frankfort, KY 40601

RE: Proposed Livestock Care Standards

Dear Dr. Stout and Members of the Commission:

I am writing on behalf of the Animal Welfare Institute (AWI) and our supporters in the state of Kentucky to offer comments on Kentucky's proposed livestock care standards.

Since its founding in 1951, AWI has been dedicated to reducing animal suffering and promoting the welfare of all animals, including animals used 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 animal welfare food certification program, Animal Welfare Approved, through which we work with scientists and farmers to set high farm animal care standards.

AWI offered several recommendations to the Livestock Care Standards Commission in the fall of 2011. We are pleased to see that two of our recommendations – those pertaining to the housing of calves raised for veal and feed withdrawal for molting in poultry – have been addressed in some manner. Otherwise, unfortunately, the proposed livestock care standards appear to allow virtually any practice performed by any segment of the animal agriculture industry. In fact, the standards even allow some practices (e.g., tail docking of cattle) that have been discredited by science and the industry itself says shouldn't be done on a routine basis.

General recommendations

We have noted that the beginning of the "general provisions" section regarding use of the standards in investigating possible cases of abuse or neglect has been deleted. This appears to be an attempt to ensure that the standards cannot be used to investigate and prosecute incidents of abuse or neglect under the state anti-cruelty statute (KRS 525.130), precisely one of the reasons why the state should be setting care standards for farm animals in the first place.

There is no mention of penalties or any sort of enforcement mechanism within the general provisions section or elsewhere in the proposed regulations. Without penalties and an effective means for enforcing the code, the standards become meaningless, nothing more than words on paper. In developing its farm animal care standards, the state of Ohio chose to set penalties for both major and minor violations and to allow for the assessment of fees to recover costs of investigating violations and for providing care for individual animals. These fees are then deposited to the Livestock Care Standards Fund, which is used by the Ohio Department of Agriculture to enforce its standards.¹ AWI strongly encourages the Commission to add a penalties section to the regulations.

Species-specific recommendations

AWI also urges the Commission to incorporate the following recommended changes in order to address several common practices that cause pain, fear, or distress to farm animals:

1. Dehorning and disbudding of cattle

The current proposal allows dehorning of dairy cattle “so long as done at the earliest age practicable.” While performing physical alterations like dehorning at a young age may reduce the amount of pain experienced by an animal, it certainly does not eliminate pain and distress. AWI supports a ban on dehorning altogether and a requirement that pain relief be provided for disbudding. However, if dehorning after eruption in mature cattle is to be allowed, then the procedure should be performed by a veterinarian providing appropriate pain management.

The American Veterinary Medical Association (AVMA) recognizes a need to reduce and eventually eliminate dehorning due to the pain it causes the animals. According to an AVMA paper on dehorning, “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 analgesia can be accomplished with sedation, general anesthesia, local anesthesia, pre- and postoperative administration of NSAIDS.”² Consistent with this, Ohio’s Livestock Care Standards require pain management for the procedure of dehorning.³

2. Tail docking of cattle

AWI urges the Commission to prohibit routine tail docking of cattle. Tail docking can result in chronic pain, and can cause stress during the fly season because the animals cannot use their tails to prevent flies from landing on or biting them. The procedure is most commonly

¹ Ohio Admin. Code 901:12-2.

² *Backgrounder: Welfare Implications of the Dehorning and Disbudding of Cattle*, AVMA, http://www.avma.org/reference/backgrounders/dehorning_cattle_bgnd.asp.

³ Ohio Admin. Code 901:12-7-02(A)(1).

performed by applying a tight rubber band to constrict blood flow until the tail falls off. Cows are typically not given any pain relief, and the process can take up to seven weeks to complete.

There is no scientific support for routine tail docking; in fact, studies have shown no difference in cleanliness between cows whose tails are docked and those with full tails. Routine tail docking is opposed by the AVMA,⁴ the American Association of Bovine Practitioners⁵ and the National Milk Producers Federation⁶. Moreover, the board of the National Mastitis Council has adopted the following statement in opposition to routine tail docking: “The National Mastitis Council (NMC) knows of no evidence that tail docking improves cow welfare, cow hygiene, or milk quality. NMC does not endorse the routine use of tail docking in dairy cattle.”⁷

In 2008, a unanimous New Jersey Supreme Court rejected dairy cow tail docking as a “humane” practice.⁸ As a result of the Supreme Court decision, in 2011 the Department of Agriculture of the state of New Jersey proposed state regulation prohibiting the routine practice of tail docking of cattle.⁹ 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.¹⁰

3. Tail docking of lambs

AWI urges the Commission to prohibit routine tail docking of lambs by allowing tail docking only in situations where there is an unavoidable and high risk of animals suffering from fly strike. We further recommend that the Commission prohibit short and extreme tail docking of lambs, consistent with the recommendation of the AVMA.

The AVMA has recognized that pain is involved in tail docking of lambs, and that the practice is consequently a welfare concern. Furthermore, tail docking is not necessary to maintain the health and welfare of lambs. When tail docking is done, standards should set a minimum tail length to preclude short and extreme tail docking. The AVMA recommends that tails be removed no shorter than the distal end of the caudal tail fold.¹¹ Docking tails shorter than this may result in an increased incidence of rectal prolapse. The tail is also needed to protect the lamb’s vulva and udder from weather extremes. A 2003 study that looked at the effect of short

⁴ AVMA Policy: Tail Docking of Cattle, http://www.avma.org/issues/policy/animal_welfare/tail_docking_cattle.asp.

⁵ AABP opposes routine tail docking, AVMA News (Jun. 1, 2010).

⁶ Nat’l Milk Producers Fed’n, *National Dairy Farm Program: Animal Care Manual 17* (2009).

⁷ NMC board adopts position on tail docking, *Udder Topics*, Vol. 34, No. 4&5 (2011).

⁸ *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).

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

¹⁰ Ohio Admin. Code 901:12-6-02(A).

¹¹ AVMA Policy: Docking of Lambs’ Tails, http://www.avma.org/issues/policy/animal_welfare/sheep.asp.

docking on the health of sheep found an increased risk of rectal prolapse and concluded that the practice “compromises the health and well-being of sheep” and “should be abandoned.”¹²

4. Heat stress in cattle and calves

AWI recommends that the Kentucky standards require that cattle and calves be provided continuous access to natural or artificial shelter such as trees, buildings or sunshades to lower the risk of heat stress.

Heat stress is a major threat to animal welfare that contributes to the deaths of thousands of cattle each year. The most logical way to reduce the main cause of heat stress- direct exposure to solar radiation- is to provide adequate shade for animals. Several studies have shown positive results from providing shade that correlate with higher animal health and welfare (ex. decreased respiration rate, improved feed intake, higher daily gains, and higher resting times).¹³

Thank you very much for your consideration. Please do not hesitate to contact me at 202-446-2146 or dena@awionline.org should you have any questions or desire additional information.

Very truly yours,

A handwritten signature in black ink that reads "Dena Jones". The signature is written in a cursive, flowing style.

Dena Jones, M.S.
Farm Animal Program Manager

¹² Thomas, et al., *Length of Docked Tail and the Incidence of Rectal Prolapse in Lambs*, 81 J. Anim. Sci. 2725 (2003).

¹³ See Rushen, et al. (2008), *The Welfare of Cattle*, Dordrecht, the Netherlands: Springer.