



Animal Welfare Institute

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Indiana State Board of Animal Health
4154 N. Keystone Avenue
Indianapolis, IN 46205

RE: Proposed Rule, LSA Document #11-88; Title 345 Indiana State Board of Animal Health

Dear Members of the Board:

I am writing on behalf of the Animal Welfare Institute (AWI), and our supporters in the state of Indiana, to offer comments on the proposed rule, 345 IAC 14, setting standards for the care of livestock and poultry. It is our understanding that the Board of Animal Health will be considering adoption of the regulation at its next meeting in June.

Since its founding in 1951, AWI has been alleviating the suffering inflicted on animals by people. Major goals of the organization include supporting high-welfare farms and achieving humane slaughter and transport for all animals raised for food. In 2006 AWI launched a high-welfare food labeling program called Animal Welfare Approved (AWA).¹ As part of this program AWA collaborates with scientists and farmers to set farm animal care standards. 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. More than a dozen Indiana farms are currently certified under the program.

Inadequate Standards

AWI is deeply disappointed with the proposed farm animal care standards. The standards do not provide the level of animal well-being that the public demands. Consumers want animals, even those used for food production, to be treated humanely while they are alive. In a 2004 survey conducted by researchers at the Ohio State University, 92% of Ohioans agreed that it is important that farm animals are well-cared for, and 81% said the well-being of farm animals is just as important as the well-being of pets.²

As BOAH may be aware, Indiana is the third state to draft farm animal care standards. Both of the other states – New Jersey and Ohio – have taken a very different approach and proposed extensive species-

¹ See <http://www.animalwelfareapproved.org>.

² Rauch A & Sharp JS, Ohioans Attitudes about Animal Welfare, The Ohio State University, Social Responsibility Initiative, January 2005. http://ohiosurvey.osu.edu/pdf/2004_Animal_report.pdf.

specific regulations.³ The Indiana draft standards appear to have been written in order to codify conventional industry practices and not for the purpose of providing for farm animal health and welfare. In fact, the addition of the phrase “raised using the applicable production method” to each section of the regulation ensures that just about any treatment practiced by more than one farmer will be considered acceptable. Only blatant cruelty is excluded, which is already illegal under the Indiana cruelty statute.⁴

The BOAH should create minimum standards that strive to increase, not decrease, the well-being of animals on farms in Indiana. To the contrary, the current set of proposed standards allow for conditions and practices that typically result in animal distress, pain and suffering. They fail to recognize that animals raised for food are sentient beings, deserving of a life worth living.

Farm Animal Well-Being

Animal well-being is a concept that allows animals to be free from mental and physical pain, fear and distress. Contrary to industry adage, a productive animal is NOT necessarily a healthy (either physically or mentally) animal. Advances in science and technology allow animals to maintain productivity even under duress.

Numerous sets of guidelines have been developed to account for fundamental factors in achieving animal well-being. Most of these guidelines are based on the concept that humans have a moral obligation to afford farm animals “Five Freedoms.” These freedoms imply certain husbandry requirements for the provision of basic farm animal welfare and are viewed as necessary to avoid welfare-related problems.⁵

The Five Freedoms are listed below:

- 1. Freedom from Hunger and Thirst** - by ready access to fresh water and a diet to maintain full health and vigor.
- 2. Freedom from Discomfort** - by providing an appropriate environment including shelter and a comfortable resting area.
- 3. Freedom from Pain, Injury or Disease** - by prevention or rapid diagnosis and treatment.
- 4. Freedom to Express Normal Behavior** - by providing sufficient space, proper facilities and company of the animal's own kind.
- 5. Freedom from Fear and Distress** - by ensuring conditions and treatment which avoid mental suffering.

³ The New Jersey rules on the Humane Treatment of Domestic Livestock are in Title 2, Chapter 8 of the New Jersey Administrative Code; the proposed regulatory standards of the Ohio Livestock Care Standards Board are available at <http://www.ohiolivestockcarestandardsboard.gov>.

⁴ IC 35-46-3.

⁵ Farm Animal Welfare Council: Five Freedoms. <http://www.fawc.org.uk/freedoms.htm>.

Recommendations

While numerous additions would be required to make the proposed care standards acceptable from the perspective of animal well-being, AWI believes the following changes are among the most important.

1. The standards should require that only methods deemed acceptable by the American Veterinary Medical Association (AVMA) be used to euthanize animals.

Section 345 IAC 14-2-3 requires that animals with “an injury or disease that seriously endangers the life or health of the animal” must be either treated or euthanized. However, the regulation does not specify the acceptable methods of euthanasia and, in fact, does not even require that the euthanasia be humane. AWI recommends that the provision regarding euthanasia be clarified.

Several recognized sets of euthanasia guidelines are currently available for adoption by reference in the regulation. Although AWI prefers the euthanasia guidelines of the World Organization for Animal Health (“OIE”)⁶, we appreciate that in the U.S. the guidelines of the AVMA⁷ are more widely accepted.⁸ Accordingly, AWI recommends that the regulation be amended to require humane euthanasia by a method deemed acceptable by the AVMA. We recommend that only “acceptable” and not “conditionally acceptable” methods be allowed; however, if conditionally acceptable methods are to be allowed, their use should be limited to emergency situations where more humane means are not readily available, and the animal would suffer if euthanasia was postponed.

In addition to adopting standards for acceptable euthanasia methods, it is advisable that the regulation spell out which methods of killing are not, under any circumstances, acceptable. These methods include but may not be limited to the following:

- Blow to the head or body (other than from a captive bolt device)
- Burning
- Drowning
- Exsanguination (except in sedated, stunned or anesthetized animals)
- Hypothermia or rapid freezing
- Poisons (including cyanide and strychnine)
- Strangulation

⁶ OIE, Terrestrial Animal Health Code, Chapter 7.6, Killing of Animals for Disease Control Purposes, 2009. http://www.oie.int/Eng/normes/mcode/en_chapitre_1.7.6.pdf. While written to address killing for disease control, the guidelines note that its general principles “should also apply when animals need to be killed for other purposes such as after natural disasters or for culling animal populations.”

⁷ American Veterinary Medical Association, AVMA Guidelines on Euthanasia (formerly the Report of the AVMA Panel on Euthanasia), June 2007. http://www.avma.org/issues/animal_welfare/euthanasia.pdf.

⁸ For example, in its regulations New Jersey adopted and incorporated by reference the acceptable methods of euthanasia as defined in AVMA’s Guidelines on Euthanasia. See New Jersey Administrative Code Title 2, Department of Agriculture Chapter 8, Humane Treatment of Domestic Livestock.

State euthanasia regulations should also require that death be verified after euthanasia and before disposal of the animal. The regulation must state that live animals shall not be placed or thrown into manure pits, trash receptacles, or onto piles of dead animals. Moreover, it must be provided that the euthanasia method is re-administered to any animal still showing signs of life after the initial attempt.

2. The standards should require that all animals be given enough space to lie down, stand up, fully extend his or her limbs and turn around freely.

The shelter section of the proposed regulation lacks detail and guidance related to the manner in which animals may be housed, such as stocking densities, stall sizes/measurements, bedding quantity and type, etc. Such inadequate requirements constitute a major welfare concern as animals are unable to express their normal behaviors and are subjected to stress and discomfort if provided insufficient space and bedding. In addition, high stocking densities and inadequate ventilation can lead to serious health problems.

The animal agriculture industry has received the message from consumers and retailers that they want intensive confinement to end. In response, the American Veal Association has agreed to transition all veal production in the U.S. to group housing by December 31, 2017.⁹ A number of pork producers have also indicated that they are in the process of changing housing for breeding sows from individual crates to group pens.¹⁰ Moreover, several states are considering, or have already enacted, limits on the use of battery cages to house egg-laying hens.¹¹

Indiana can join this growing trend by requiring that farm animals be provided enough space to lie down, stand up, fully extend their limbs and turn around freely. Continuous confinement to gestation and veal crates and battery cages should be phased out, while tethering of any animal for more than the majority of a day should be banned outright now. All animals should also be provided with the opportunity to exercise outdoors, weather permitting, as Ohio has proposed doing for cattle.

3. The standards should prohibit the painful and unnecessary practices of dehorning and tail docking of beef and dairy cattle.

The proposed regulation places no limits on the practice of mutilations, such as dehorning and tail docking, which can result in pain, distress and even chronic health problems for animals.

Dehorning

The 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

⁹ American Veal Association Resolution, May 9, 2006. http://www.noveal.org/ava_resolution.htm.

¹⁰ See for example, Pork giant to phase out gestation crates, MSNBC, Jan. 25, 2007. <http://www.msnbc.msn.com/id/16812499/>.

¹¹ States include California, Michigan, Ohio, Oregon and Washington. Contact AWI for further information.

anesthesia, pre- and postoperative administration of NSAIDs.” The AVMA also advises choosing polledness in selection indexes and long term breeding strategies.¹²

The Ohio Livestock Care Standards Board recently proposed requiring the use of pain management for dehorning. While AWI recognizes this as a step forward, it recommends a ban on dehorning altogether and requiring pain management for disbudding. 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.

Tail Docking

Tail docking of cattle 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 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.

Tail docking is done because it 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 animal’s udders. However, none of the reasons for cow tail docking have been proven, and 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 American Veterinary Medical Association,¹³ the American Association of Bovine Practitioners¹⁴ and the National Milk Producers Federation.¹⁵ California passed a bovine tail-docking ban in 2009, and this year the Department of Agriculture of the state of New Jersey and the Ohio Livestock Care Standards Board both proposed state regulation banning the routine practice of tail docking cattle.

- 4. The standards should prohibit the transport of animals too sick to walk for sale or slaughter, and require that animals becoming non-ambulatory during transport or at markets be promptly treated or humanely euthanized.**

Current Indiana regulation prohibits market facilities in the state from accepting delivery of non-ambulatory animals. Moreover, the rule requires that animals becoming non-ambulatory after arriving at a market facility be “disposed of within twenty-four (24) hours of discovering or receiving notice of the animal’s condition.”¹⁶ Unfortunately 24 hours is an unacceptably long period of time, given the

¹² AVMA, Reference. Background: Welfare Implications of the Dehorning and Disbudding of Cattle. Jan. 28, 2010.

¹³ AVMA, Policy: Tail Docking of Cattle, April 2009.

¹⁴ AABP opposes routine tail docking, AVMA News, June 1, 2010.

¹⁵ National Milk Producers Federation, National Dairy Farm Program: Animal Care Manual, 2009, p. 17.

¹⁶ 345 IAC 7-3.5-16 Care and handling; nonambulatory livestock.

suffering that downed animals endure, and “disposed of” can mean that the animal is merely dragged away and shipped someplace else, all the while suffering constant pain and distress.

AWI recommends the following requirements regarding the treatment of non-ambulatory animals:

- Before transport off the farm or feedlot the producer shall evaluate each animal’s fitness to travel. Non-ambulatory animals shall not be moved off the premises unless for the purpose of receiving veterinary treatment.
- All animals received at market facilities shall be assessed for fitness by a licensed veterinarian, and non-ambulatory animals shall not be accepted for marketing.
- A non-ambulatory animal may be unloaded at a market for the purpose of euthanasia if the procedure cannot be safely performed on the transport vehicle.
- All markets shall have written policies, procedures and equipment in place to handle animals that become non-ambulatory after delivery to the facility.
- Animals becoming non-ambulatory on the grounds of a livestock market shall be humanely euthanized or provided with treatment as prescribed by a licensed veterinarian without delay.
- Non-ambulatory animals shall be segregated from ambulatory animals to prevent injury.
- Under no circumstances shall a non-ambulatory 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.

Conclusion

AWI appreciates that economic viability and profitability is a major concern for farmers in a competitive market. However, animal well-being must become a higher priority. Some farmers in Indiana and elsewhere in the United States are already proving that alternative production methods such as organic or high-welfare farming are economically viable options and also serve the needs of animal health and welfare.

AWI appreciates the opportunity to raise these concerns regarding farm animal care standards for Indiana, and hopes to see the proposed regulation reworked to incorporate the tenets of the Five Freedoms and animal well-being. Please do not hesitate to contact me by phone at 202-446-2146 or email at dena@awionline.org if you have any questions or desire additional information.

Sincerely,



Dena Jones, M.S.
Farm Animal Program Manager