



# Animal Welfare Institute

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October 21, 2011

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

VIA FACSIMILE

**RE: Proposed Livestock Care Standards**

Dear Dr. Stout:

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 forthcoming proposed livestock care standards. It is our understanding that the Livestock Care Standards Commission (Commission) will be meeting next week to finish drafting the standards, and we encourage you to circulate these comments to all members of the Commission.

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

**A. Basis of AWI's Position: The Five Freedoms**

AWI strongly urges the Commission to adopt standards based on the Five Freedoms in order to maximize animal well-being and eliminate certain practices that cause unacceptable pain, fear, or distress to the animals.

Contrary to industry adage, a productive animal is NOT necessarily a physically or mentally healthy animal, since advances in science and technology allow animals to maintain productivity even under duress. As a result, 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.<sup>1</sup>

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.

## **B. Recommendations**

AWI urges the Commission to include the following language in order to address several common practices that cause unjustifiable pain, fear, or distress to farm animals:

1. **No person shall tether or confine any calf on a farm for all or the majority of the day in a manner that prevents such animal from lying down, standing up, fully extending his or her limbs, or turning around freely. Calves shall be raised in groups by 8 weeks of age.**

Animals housed in a manner that prevents them from expressing normal behaviors (such as lying down, standing up, fully extending their limbs, and turning around freely) are subjected to stress and discomfort. For this reason, AWI urges the Commission to eliminate the use of crates and expressly prohibit tethering as acceptable forms of housing for veal calves. AWI further recommends that the Commission require group housing for calves.

Intensive confinement of veal calves is an unjustifiable practice that prevents young animals from moving freely and expressing normal behavior. Increasingly, consumers and retailers are demanding an end to this inhumane system of confinement, and leaders in the industry have responded. For example, the American Veal Association has resolved to transition all veal production in the U.S. to group housing by December 31, 2017.<sup>2</sup> Ohio’s Livestock Care Standards also phase out veal crates and tethering by that date, and require group housing by 10 weeks of age.<sup>3</sup> Strauss Veal, the nation’s largest veal producer, has been completely crate- and tether-free since 2008, and all of its calves are raised on pasture.<sup>4</sup> Finally, the American Veterinary Medical Association (AVMA) recommends against the use of individual confinement,

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<sup>1</sup> *Five Freedoms*, Farm Animal Welfare Council, <http://www.fawc.org.uk/freedoms.htm>.

<sup>2</sup> Resolution, Am. Veal Ass’n Resolution (May 9, 2006), [http://americanveal.org/GRP\\_HOUSING\\_RESOL1-0507.pdf](http://americanveal.org/GRP_HOUSING_RESOL1-0507.pdf).

<sup>3</sup> Oh. Admin Code 901:12-5-03 (2011).

<sup>4</sup> *Industry Insight*, Strauss Free-Raised, <http://www.straussfreeraised.com/industry.shtml>.

and endorses the group housing for veal calves.<sup>5</sup> These shifting attitudes have caused rapid progress in the industry: a 2009 survey estimated that 35 percent of all veal calves are raised in group housing, which is more than three times the number in 2007.<sup>6</sup>

Kentucky ought to join this growing trend by requiring that veal calves be provided enough space to lie down, stand up, fully extend their limbs, and turn around freely. Continuous confinement of veal calves in crates must be phased out, and tethering of any animal for more than the majority of a day should be banned outright. Finally, the Commission should require calves to be raised in groups by 8 weeks of age.

**2. No person shall (i) disbud any calf unless such procedure is performed in a humane manner using pain management; or (ii) dehorn any cow.**

AWI urges the Commission to adopt a ban on dehorning altogether and to require pain management for disbudding.

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 anesthesia, pre- and postoperative administration of NSAIDS.”<sup>7</sup> The AVMA also advises choosing polledness in selection indexes and long term breeding strategies.<sup>8</sup> Similarly, Ohio’s Livestock Care Standards require pain management for dehorning.<sup>9</sup>

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.

**3. No person shall dock the tail of any cow unless such procedure is performed by a licensed veterinarian who has determined that the procedure is medically necessary. Any such procedure must be performed in a humane manner using pain management.**

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

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<sup>5</sup> AVMA Policy: *Veal Calf Management*,

[http://www.avma.org/issues/policy/animal\\_welfare/veal\\_calf\\_management.asp](http://www.avma.org/issues/policy/animal_welfare/veal_calf_management.asp).

<sup>6</sup> *Veal Group Housing Transition Ahead of Schedule*, High Plains/Midwest Ag Journal,

<http://www.hpj.com/archives/2009/jun09/jun22/0609AVavealgrouphousingtran.cfm>.

<sup>7</sup> *Backgrounder: Welfare Implications of the Dehorning and Disbudding of Cattle*, AVMA,

[http://www.avma.org/reference/backgrounders/dehorning\\_cattle\\_bgnd.asp](http://www.avma.org/reference/backgrounders/dehorning_cattle_bgnd.asp).

<sup>8</sup> *Id.*

<sup>9</sup> Ohio Admin. Code 901:12-7-02(A)(1).

until the tail falls off. Cows are typically not given any pain relief, and the process can take up to seven weeks to complete. For this reason, AWI urges the commission to prohibit tail docking of cattle.

Tail docking 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 animals' udders. However, there is no scientific support for this belief; 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,<sup>10</sup> the American Association of Bovine Practitioners<sup>11</sup> and the National Milk Producers Federation<sup>12</sup>. In 2008, a unanimous New Jersey Supreme Court rejected dairy cow tail docking as a "humane" practice.<sup>13</sup> This year the Department of Agriculture of the state of New Jersey proposed state regulation prohibiting the routine practice of tail docking of cattle.<sup>14</sup> 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.<sup>15</sup>

- 4. No person shall dock the tail of any lamb unless such procedure is performed by a licensed veterinarian who has determined that the procedure is medically necessary. Such procedure shall be performed in a humane manner using pain management. No tail shall be docked shorter than the distal end of the caudal tail fold.**

The AVMA recognizes that pain is involved in tail docking of lambs and is therefore a welfare concern. Tail docking is not necessary to maintain the health and welfare of lambs. Furthermore, Northern European short-tail breeds, as well as fat-tailed sheep, do not require docking. Hence, AWI urges the Commission to eliminate tail docking of lambs.

Furthermore, when tail docking is done, standards should set a strict 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.<sup>16</sup> Tails docked shorter than this may result in an increased incidence of rectal prolapse due to damage caused to the muscles and nerves used by the lamb's anus. The tail is also needed to protect the lamb's vulva and udder from weather extremes. Additionally, a 2003 study looked at the effect of short docking on the

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<sup>10</sup> AVMA Policy: Tail Docking of Cattle,

[http://www.avma.org/issues/policy/animal\\_welfare/tail\\_docking\\_cattle.asp](http://www.avma.org/issues/policy/animal_welfare/tail_docking_cattle.asp).

<sup>11</sup> AABP opposes routine tail docking, AVMA News (Jun. 1, 2010).

<sup>12</sup> Nat'l Milk Producers Fed'n, *National Dairy Farm Program: Animal Care Manual* 17 (2009).

<sup>13</sup> *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).

<sup>14</sup> 43 N.J. Reg. 3(a) (Jan. 3, 2011), available at [http://www.state.nj.us/agriculture/rule/Humane\\_standards.pdf](http://www.state.nj.us/agriculture/rule/Humane_standards.pdf).

<sup>15</sup> Ohio Admin. Code 901:12-6-02(A).

<sup>16</sup> AVMA Policy: Docking of Lambs' Tails, [http://www.avma.org/issues/policy/animal\\_welfare/sheep.asp](http://www.avma.org/issues/policy/animal_welfare/sheep.asp).

health of sheep; it found an increased risk of rectal prolapse and concluded that the practice “compromises the health and well-being of sheep. The practice should be abandoned.”<sup>17</sup>

AWI urges the Commission to prohibit tail docking of lambs unless there is an unavoidable and high risk of suffering due to fly strike. We further recommend that the Commission proscribe short and extreme tail docking is prohibited. Finally, the Commission ought to encourage long-term selective breeding strategies that incorporate choosing genes associated with short tails so the docking practice can be eliminated altogether.

**5. Hens shall have access to adequate food and clean water at all times. No person shall withhold feed or water from hens for the purpose of induced molting.**

The practice of forced molting compromises the welfare of laying hens by denying them access to food and water over the course of days or weeks. Scientific research shows that prolonged food deprivation causes “pronounced suffering” in laying hens.<sup>18</sup> Studies show that hens exhibit increased aggression and non-nutritive pecking during forced molts, behaviors which suggest “severe frustration and extreme hunger.”<sup>19</sup> The egg industry has acknowledged the welfare concerns of the feed-withdrawal molt method, and United Egg Producers has banned the practice since 2006.<sup>20</sup> For this reason, AWI urges the Commission to expressly prohibit the practice of forced molting through food deprivation.

**C. Conclusion**

AWI appreciates that economic viability is a major concern for farmers in a competitive market. Nevertheless, AWI urges the Commission to remain uncompromising on those practices which cause unacceptable pain, fear, or distress to the animals we raise for food. The practices discussed herein – veal crates and tethers, tail docking, dehorning, and forced molting – have all been criticized by both veterinary and industry associations as unnecessary and harmful to animal welfare. As a result the animal agriculture industry has taken the initiative to phase out these practices. AWI encourages Kentucky to do the same.

Thank you very much for your consideration. I encourage you to share this letter with your colleagues on the commission. Please do not hesitate to contact me at 202-446-2139 or [rachel@awionline.org](mailto:rachel@awionline.org) should you have any questions or desire additional information.

Very truly yours,

Rachel Mathews  
Farm Animal Policy Associate

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<sup>17</sup> Thomas, et al., *Length of Docked Tail and the Incidence of Rectal Prolapse in Lambs*, 81 J. Anim. Sci. 2725 (2003).

<sup>18</sup> United Poultry Concerns, *The Animal Welfare and Food Safety Issues Associated With the Forced Molting of Laying Birds* (2003), <http://www.upc-online.org/molting/52703.htm>.

<sup>19</sup> *Id.*

<sup>20</sup> United Egg Producers, *Animal Husbandry Guidelines for U.S. Egg Laying Flocks* 10 (2010).