Animal Welfare Assurance in the United States

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What We’ll Look At

- Overview of animal welfare assurance and “gaps”
- How voluntary approaches help fill “gaps”
- Voluntary assurance versus regulatory standards
- A model and some drivers for when/why voluntary → regulatory
- Likely future directions for regulatory and voluntary assurance
- Some current hot topics in the US
US Animal Welfare Regulatory Assurance

- **Distribution of authority**
  - **Federal**
    - Import/export/international agreements
    - Animal uses involving interstate commerce
  - **State**
    - Prevention of cruelty to (or humane care for) animals acts
    - Licensing (people and facilities)
  - **Local**
    - Animal control
- **Consistency in what happens where, but no central coordinating agency/strategy**
US Federal Animal Welfare Laws


- Covered entities
  - Research, testing, and teaching (post-secondary) facilities
  - Exhibitors (circuses, zoos)
  - Transporters (carriers, intermediate handlers)
  - Dealers (commercial breeders/wholesalers; auction operators)
  - Not retail pet shops (except those selling wild/exotic animals)
  - Not animal shelters (unless they engage in a covered activity)

- Covered animals = warm-blooded animals, alive or dead (including parts)
  - Not animals for food and fiber or agricultural research
  - Not birds, rats, or mice bred for use in research
  - Only horses used for biomedical research

- Plus…interstate activities associated with animal fighting (dog fighting, bear or raccoon baiting)
US Federal Animal Welfare Laws

- Horse Protection Act (1970, last amended 1976)—bans horses subjected to ‘soring’ from exhibitions, shows, or auctions
- Transport of horses to slaughter (1996 Farm Bill)
  - Suitability for shipment, traceback
  - Feed/water before and during shipment
  - Conveyances, specifically no double-deck trailers
- Twenty-eight Hour Law (1877, clarified 2006)—if > 28 h transport unload for 5 hours’ rest, water and food (not poultry)
- Humane Methods of Slaughter Act (1958, last amended 2002)
  - Insensibility, exemptions for ritual slaughter, nonambulatory livestock (latter also addressed via Federal Meat Inspection Act)
  - Cattle, pigs, sheep, horses
  - Not poultry (9 billion annually), ratites (emu, ostrich, rhea), rabbits
US Federal Animal Welfare Laws

- Environmental/Conservation Acts
  - Endangered Species Act (1973)
  - Marine Mammal Protection Act (1972, last amended 1994)—Regulates the taking of marine mammals in US waters and the importation of marine mammals and marine mammal products
  - Lacey Acts (1900, major rework 1981; amended 1988)—Prohibit transport of illegally obtained wildlife across state lines
US State Animal Welfare Laws

- Prevention of Cruelty to Animals Acts
  - Provide basic animal care expectations
  - Identify unacceptable practices
  - Assign inspection/regulatory responsibilities and penalties
  - Generally exempt research, agricultural practices, and veterinarians/veterinary procedures
  - Euthanasia requirements

- Animal entertainment (horse and greyhound racing; circuses, carnivals, zoos, rodeos)

- Retail pet stores, boarding/grooming facilities, veterinary clinics

- Veterinary practice acts

- Vaccination requirements (rabies), health certificates
US Local Animal Welfare Laws

- Licensing/registration
- Nuisance (e.g., maximum kept, roaming, barking)
- Mandatory spay/neuter (also state)
- Vaccination (also state)
- Overlaps = Can be more stringent, but not more lenient, than state laws
“Gaps”

- Retail sales, shelters
- Agricultural animals
  - Few federal laws
  - May be exempted from many state/local laws (esp. certain management practices)
  - “Right to Farm” laws—Address nuisance issues and protect farmer, but may also provide animal care guidance
- Regulatory resources
  - Personnel (e.g., availability of trained individuals)
  - Budgets
- Inconsistencies
  - Regulatory guidance varies (e.g., resource-based vs animal-based)
  - Enforcement (e.g., animal type, frequency of inspection, penalties)
Voluntary Programs

- Have emerged to fill gaps
- Drivers and players
  - Animal protection organizations
  - Retailers (public demand)
  - Industry
    - Meet retailer/consumer demands
    - Supplement/mitigate/avoid regulation
    - Preparation for regulation
- Usual approach
  - Expert input → guidelines/standards
  - Assurance process
  - Consumer awareness/education
Benefits and Challenges for Voluntary Programs

**Benefits**
- Flexibility—Can respond more easily to new information
- Consumer choice—Responsive to societal expectations
- Can be less costly than regulatory programs
- Potential to promote more rapid improvements in animal care

**Challenges**
- Quality
  - Robustness—Details versus “must be treated humanely”
  - Bias toward perspectives of those creating; number of people involved small
- Verification
  - Type (first- through third-party audits)
  - Multiple audits if supplying multiple customers
- Consumer awareness and understanding; label consistency
When Voluntary Becomes Regulatory

- ‘Freedom to operate’ depends on public trust

  High trust → Complete autonomy
  Low trust → Regulation

  Similar ethics, values, and expectations = Self-regulation
  Legislation, regulations, litigation = Forced compliance

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- US attitude(s)/philosophies
  - Priority on freedom to operate
  - Republican (conservative) versus Democrat (liberal)
Drivers—Voluntary to Regulatory

High trust → Complete autonomy

Tipping Point

Low trust → Regulation

Cumulative impacts
Single triggering event

- Activism
  - Raises awareness
  - Creates different expectations

- Political champions

- Bad actors/incidents, industry failure to condemn

- Economics
  - Consumer affluence
  - High use/production costs
Examples of Triggers

- Historically
  - *Sports Illustrated*: Pepper the Dalmatian
  - *Life*: “Concentration Camps for Dogs”
  - Dog fighting videos (1976 AWA amendments)
  - Silver spring monkeys (PeTA, 1985 amendments)

- More recently
  - Euthanasia
    - Wood chipper for poultry
    - Hanging of pigs
  - Chino slaughterhouse video
  - “Puppy mill” raids (e.g., Pennsylvania, Tennessee)
Future Directions for Regulatory and Voluntary Assurance

- Expansion of regulation
  - Response to bad actors/incidents
  - Focus on state and local levels; opportunities for direct public control (ballot initiatives)
  - Court actions
    - Interpretation of laws/regulations
    - Punishment

- Push for consistency
  - Labels, consumer education
  - Enforcement (e.g., credentials for auditors)

- Expansion of voluntary and regulatory efforts to move from meeting animals’ physical needs to meeting mental needs
Some Current Hot Topics in the US

- **Teaching**
  - Animal acquisition, including cadavers
  - Alternatives

- **Food animals**
  - Space allocations in intensive production systems
  - Nonambulatory animals
  - Poultry under Humane Methods of Slaughter Act
  - Euthanasia/depopulation

- **Horses**
  - Slaughter
  - Racing (age, drugs, surfaces)
  - Three-day events
Some Current Hot Topics in the US

- **Companion animals**
  - Mandatory spay/neuter
  - Substandard facilities
  - Hoarding
  - Abuse/domestic violence relationships and forensics
  - Dog fighting
  - Owner versus guardian
  - Euthanasia (use of gas chambers)

- **Zoo/wildlife**
  - Guides/tethers for elephants (protected versus free contact)
  - Trapping
Thank You For Your Time and Attention

Two of the greatest qualities in life are...
Patience and Wisdom

Questions?

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