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Unvarnished Inhumanity: America's Factory Farm Industry

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Submitted in Partial Completion of the Requirements for Commonwealth Honors in Political
Science

Bridgewater State University

December 20, 2018

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Abstract

As exposed through a variance of media outlets, the United States is often inept in its endorsement of farm animal welfare laws; while incidents depicting the cruel mistreatment of farm animals are plentiful, the federal government enforces only two laws that address the issue directly. The 28 Hour Law and the Humane Methods of Slaughter Act, however pure in intent, are severely limited in scope, and according to reports from the USDA, handling violations are frequent yet rarely result in longstanding consequences. Consequently, this research provides a comprehensive overview of the activity within the factory farm industry so that, in placing this within the context of John Kingdon's Multiple Streams theory on public policy, I may determine whether the United States should anticipate a shift in legislation within this policy area. This approach allowed me to examine various components of policy -- such as the determination of a public problem, a viable legislative solution, and evidence of political cohesion -- and conclude that, due to adverse economic effects and resistance toward overbearing governmental regulations, the United States is unlikely to enact comprehensive legislation addressing farm animal welfare in the foreseeable future.

Introduction

Farm Animal Welfare in the United States

Industrial factory farms in the United States have been the subject of countless undercover investigations led predominantly, but not exclusively, by nonprofit animal welfare organizations. While it is conventionally the responsibility of the United States Department of Agriculture to manage and enforce regulatory measures regarding the treatment of farm animals, this federal entity has been notoriously remiss in its efforts to maintain safe and humane practices within these factories. Thus, the burden of exposing these controversial practices typically falls on the shoulders of non-government forces, as seen through articles published by organizations such as Mercy for Animals, People for the Ethical Treatment of Animals, American Society for the Prevention of Cruelty to Animals, the Humane Society of the United States, the American Legal Defense Fund, and, perhaps most notably, widely recognized news sources such as the New York Times and the Washington Post (Editorial Board, 2013). The latter examples (daily news sources that do not endorse a particular agenda), in particular, have gained significant public traction in their expository pieces covering the cruel treatment of animals in United States industrial farms, as they both boast broader and more diverse audiences than their counterparts. This, consequently, has brought attention to existing federal regulations regarding not only confinement laws, but also general protections for farm animals, as the aforementioned sources have been exceptional in revealing a significant lapse in both policy presence and enforcement.

With this, despite innumerable reports of policy violations, it is rare for longstanding sanctions to be imposed against perpetrators of animal cruelty (National Agricultural Library, n.d. & Rowan, A. M., & Rosen, B., 2005). For example, a brutally candid and widely publicized

Washington Post article exposed gross illegalities in 2001, with journalist Jo Warrick capturing evidence of widespread atrocities inside a Texas beef factory in spite of the Humane Methods of Slaughter Act (Warrick, J., 2001). Upon the outbreak of this story, President George W. Bush signed into law the Farm Security and Rural Investment Act of 2002 in an attempt to emphasize the responsibility of the United States Department of Agriculture in enforcing farm animal protection policies (Animal Welfare Institute, 2011); Title X, Subtitle D of the law specifically outlines the role of the Secretary of Agriculture in both the recording and reporting of HMSA violations (United States Government Publishing Office, 2002).

Nonetheless, a 2004 report by the Government Accountability Office exposed “incomplete and inconsistent inspection records” from the USDA’s Food Safety and Inspection Service that “made it difficult to determine the frequency and scope of humane handling and slaughter violations”. The FSIS failed to produce a substantial number of inspection records, and “inspectors did not always document violations of the HMSA because they may not have been aware of regulatory requirements”. Additionally, the provided records indicated that “FSIS provided did not consistently document the scope and severity of each incident”, and that “enforcement actions to address noncompliance with the act and regulations were also inconsistent”. Further, it was also “found that FSIS officials may not [have been] using consistent criteria to suspend plant operations--the enforcement action used when serious or repeated violations of the HMSA occur”, and FSIS “lack[ed] detailed information on how much time its inspectors spend on humane handling and slaughter activities”, thus making it difficult to properly gauge if their activity was adequate (United States Government Accountability Office, 2004). Notwithstanding these findings, a subsequent report released in 2010 noted that, based on a “survey of inspectors at slaughter plants and analysis of FSIS data”, it had become apparent

that “inspectors [had] not taken consistent actions to enforce HMSA” (United States Government Accountability Office, 2010). These instances represent a disturbing trend within the nation’s factory farm industry, and it is despite such evidence that the USDA and FSIS remain complicit in the inhumane treatment of farm animals.

John Kingdon’s *Multiple Streams Model* of Public Policy

In observing the contours of the American political system, there is a certain level of predictability within the realm of public policy due to observable trends in national discourse, values, and climate. Yet, the arrival of certain issues onto legislative agendas often prompts discussion, as policymakers tend to be judicious in their attention to discretionary issues due to time, fiscal, and political constraints. Political scientist John Kingdon has assessed this circumstance in his three-pronged method of analysis, formally referred to as the *Multiple Streams Model*, which is designed to predict impending openings for legislative action. This approach delineates the relationship between a public problem, a policy solution, and political cohesion, and is critical in determining the feasibility of prospective legislation. Kingdon’s 1984 theory has suited a myriad of instances involving federal policies such as healthcare, education, and tax reform, and it is thus worth exploring its applicability in less prominent realms of policy within the United States.

The first of the three streams is identified as the *problem stream*. While it may vary in scope and severity, the problem is a societal issue which can neither self-regulate nor be overseen by non-governmental entities, and thus demands the attention of the government. The problem does not inherently have to affect a large population or be in close proximity, but it is nonetheless considered a “hot button” issue due to its impact or potential (Donnelly, 2018). It is, however, critical that there be sufficient information and evidence documenting both the issue

and potential fixes, as policymakers may defer a problem for which a solution is infeasible (Kraft & Furlong, 2018). Further, focusing events or crises often increase the likelihood that an issue will end up on the national policy agenda. Lawmakers are thus cognizant of indicators that cause fluctuation in a problem's influence on society. Natural disasters, for example, have prompted government responses to threats against public safety, and while each storm is unique in its impact, there remains policy designed to alleviate its effects. This brings attention to a problem's link with "powerful national priorities" such as defense, public safety, public health, and the like, and its subsequent command for government action (Kraft & Furlong, 2018, p. 96).

Succeeding this is the *policy* stream. Kingdon claimed that, in identifying a public problem, there must be feasible, policy-based solutions to serve as potential remedies (Kraft & Furlong, 2018). These solutions are then evaluated based on what Kingdon coined as the "criteria for survival", such as economic practicality and political acceptability; with this, only the "fittest ideas survive" (Kraft & Furlong, 2018, p. 97). It is also advisable that the solution have broad-based support, as endorsement from policymakers, interest groups, and the public furthers the likelihood of reaching the legislative agenda. Perhaps one of the more compelling determinants, however, is that there must also be evidence of the solution's applicability in contemporary society (Donnelly, 2018). This can be seen in the instance of government-run health care within the United States. During President Bill Clinton's tenure, First Lady Hillary Clinton ran a task force designed to completely overhaul the existing health care system. Her impending model, however, had never been tested before. Conversely, President Obama's Affordable Care Act is based on an earlier health care model implemented in the Commonwealth of Massachusetts, otherwise known as "Romneycare". It is not to say that the failure of health care reform in the 1990s was dependent entirely on this, but the importance of policy suitability should not be

overestimated (Donnelly, 2018). Accordingly, this stream becomes active given that the policies satisfy the aforementioned criteria, thus strengthening their potential as legislative solutions.

The third and final component of Kingdon's theory is the *politics* stream. This segment requires that there be some degree of cohesiveness regarding the nation's political climate. There is no particular formula for this sense of commonality; it is conventional, however, for a political party holding the majority in both the legislative and executive branches of government to be more equipped to pass legislation (Donnelly, 2018). That being said, it should not be assumed that a policy will always enjoy comprehensive, bipartisan support, but rather that it should yield enough to gain traction amongst most public officials. Circumstances are thus considered ideal in the instance of turnover following an election, as administrations are more adept to pursue their own agendas in the wake of their victory (Sabatier & Weible, 2014, p. 34). Additionally, it is common for lawmakers to strategically withhold policies they deem unfit for the current "public mood", as they tend to "have a well-developed ability to detect a shift in public attitudes" and can thus predict the feasibility of certain policies (Kraft & Furlong, 2018, p. 97). They also tend to consider the role of interest groups in their determination, as "politicians often view the support or opposition of interest groups as indicators of consensus or dissent within the broader political arena" (Sabatier & Weible, 2014, p. 34). With this, government officials who sense a shift in political climate may "act to promote certain items on the agenda or, conversely, to dim the hopes of others" based on the perceived likelihood of legislative progress (ibid.).

Each stream ultimately demands the cooperation of both its counterparts in order to yield an opportunity for legislative action; it is by way of their convergence that proposed legislation sees its highest potential for survival, as there is a temporary sense of concurrence within the realms of public policy and general governance. Nonetheless, it is at times that focus events or

crises prompt action, as appeals for governmental action are then at their peak. Policy entrepreneurs, or any individual or entity involved in the policymaking process, may also contribute to creating these “windows of opportunity”, as they strategically push items on their own agendas in anticipation of such openings. Consequently, notwithstanding the manner by which the window is opened, it is during these breakthroughs that prospective legislation is most likely to find itself on the federal agenda and, ultimately, passed into law.

Kingdon’s theory has thus far proved suitable for the American political system, and it is argued by many policy analysts that he has provided a stable framework for predicting legislative action (Donnelly, 2018). This research applies the aforementioned method to the policy area of farm animal welfare within the United States. Thus, in evaluating the existence of a public problem, a feasible policy solution, and the political will to effect change, I may determine whether the country should anticipate the opening of a “window of opportunity” within this realm of politics.

Chapter Outline

This paper consists of four chapters. The first is dedicated to a legislative history of the nation's farm animal welfare policies and an investigation of the role of the USDA's Food Safety and Inspection Service in law enforcement. This analysis is followed by a policy matrix that focuses on farm animal confinement laws at the state level so as to evaluate the strength of existing policies. Next is a data analysis from an original survey of Massachusetts residents regarding their opinions on farm animal welfare, and the final section features a series of interviews of both local political elites and stakeholders within the farm industry that provide varying perspectives on the issue. I then conclude with an overview of the American factory farm industry within the context of Kingdon’s *Multiple Streams Model*, allowing me to assess

whether this policy area exists in the three streams and, subsequently, whether the United States should anticipate a shift in this brand of legislation.

Chapter 1: Legislative History

Introduction

In order to understand the contours of this policy area, it is essential to outline existing provisions designed to address the issue of farm animal welfare. This understanding provides context for a discussion on policy reform, allowing us to more effectively note the successes and deficiencies of modern laws and, consequently, determine where they fall short in remedying the public problem. This evaluation thus leaves a foundation on which to build future legislation, while also bringing focus to the enforcement agencies responsible for implementation and oversight.

Farm Animal Welfare Policy

Regarding contemporary statutory protections, the federal government has enacted only two laws intended to preserve farm animal safety. The 28 Hour Law of 1873, though quite permeable and open to exemptions, was designed to ensure that farm animals -- excluding poultry -- be released from the confines of their vehicle every 28 hours when being transported (Animal Welfare Institute³, n.d.). It was initially introduced to the United States Congress in 1871 in response to public outcry over the conventional methods of cattle transport, and two years later, it was passed into law (ibid.). However, due to resistance from transport companies, whose responsibility it was to provide shippers with locations designated for the unloading and feeding of cattle, sheep, and swine, noncompliance was commonplace. Notwithstanding the frequency of policy violations, there was evidence that the welfare of these farm animals had improved under the protections of the statute, but the law was nonetheless repealed soon thereafter. In 1906, however, this law was reinstated (ibid.). It then remained in its original form until 1963, when five provisions were added specifying regulations regarding proper feeding,

watering, and resting practices (Texas Tech University, n.d.). Further protections were implemented in 1994, when the law was amended for the purpose of clarifying that the language used in the statute, such as transportation “by rail”, would be interpreted as if it were written in current context; consequently, these regulations would now be applied to animals being transported by trucks or by other modes of modern transportation (American Association of Swine Veterans, 2006). It was not until 2006, however, that this legislation applied to the transport of equines, but even with this more inclusive approach to animal welfare, poultry is still exempt from such protections (Cornell Law School, n.d.). With this, the current statute stands as applying to the confinement of cattle, sheep, swine, and equines during transportation, as they must be released to some outdoor area every 28 hours for feeding, water, and rest. This fenced-in area must provide the animals with adequate room to lie down, stretch their limbs, and move about comfortably, and they must be allotted no less than five hours of continuous freedom (ibid.). However, notwithstanding the intent of this statute is the fact that these regulations do not apply to carriers that allow room for these requirements; it is thus highly plausible that animals may remain packed in dark and poorly ventilated trailers for more than 28 hours given they are provided with food, water, and an “opportunity for rest” (ibid.). Further, there is the option to petition against these provisions should the interruption of the transport place an undue burden on the shoulders of the workers involved (ibid.). This consequently creates an exploitable loophole in a policy designed to lessen the suffering of helpless animals, as this option allows for 36 hours of consecutive travel. Even so, there is not a great deal of incentive to abide by the Law, as owners who “knowingly and willfully” are found in violation are fined between \$100 and \$500 for each *reported* violation -- a minor consequence for a gross infraction (ibid.). Furthermore, the onus of enforcing this law falls on the shoulders of the United States Attorney

General, as there is no federal entity directly responsible for implementing its measures (ibid.). This ultimately compromises its effectiveness, as no civil action may be taken without the attorney's knowledge of a violation. Thus, while the 28-Hour Law was indubitably crafted with pure intentions, the combined forces of lax provisions and poor enforcement create an environment where, despite intent, such protections are limited in effect.

The Humane Methods of Slaughter Act, though broader in scope, is similarly inadequate in practice. Originally introduced to the House of Representatives by Democratic Representative William R. Poage of Texas in 1957, this bill was signed into law in 1958 by President Lyndon B. Johnson. The Humane Methods of Slaughter Act was crafted as a response to a three-year campaign led by animal rights advocates regarding the treatment of farm animals within the food industry, and its primary function was to ensure that all cattle, calves, swine, mules, horses, sheep, and other livestock would be rendered unconscious and insensible to pain "prior to their being shackled, hoisted, thrown, cast, or cut" by way of an approved stunning method; though approved methods vary by species, they include chemical (carbon dioxide), mechanical (captive bolt or gunshot), and electrical (stunning or slaughtering with electric current) forms of stunning (Government Publishing Office, 2014). The statute did not, however, apply to all slaughter plants. Its original language specified that the mandates need only be met by plants that "wanted to sell meat to the federal government" (ibid.), reading:

...no agency or instrumentality of the United States shall contract for or procure any livestock products produced or processed by any slaughterer or processor which in any of its plants or in any plants of any slaughterer or processor with which it is affiliated slaughters or handles in connection with slaughter livestock by any methods other than methods designated and approved by the Secretary of Agriculture (Government Publishing Office, 1958).

Thus, this provision severely limited the scope of the law, as entities not contracting with the federal government were not bound to utilize approved, humane practices. Furthermore, though

the statute did provide a basic outline for the Secretary-approved methods of slaughter, there was no mention of an implementation agency or process to ensure that all provisions were being met. Consequently, the “only available enforcement mechanism was the denial of federal meat contracts to slaughterhouses that used inhumane methods” (Welty, 2007), and as USDA records were hopelessly inconsistent, there was no reliable way to determine what actually occurred inside the walls of slaughtering plants.

With this, the HMSA was amended in 1978 to require that the United States Department of Agriculture would be responsible for its implementation. As the USDA’s Food Safety and Inspection Service already employed inspectors to enforce the Federal Meat Inspection Act of 1906 -- a law mandating that all meat products are produced and processed under sanitary conditions --, this provision essentially expanded their jurisdiction to include the HMSA (Friedrich, 2015). This provision did not, however, require additional inspectors to be present at slaughterhouses, and subsequent concerns arose as “no additional inspectors, much less dedicated humane-slaughter inspectors, were to be hired” to enforce these measures (Welty, 2007). Nonetheless, while there were perhaps some logistical shortcomings, this amendment did signify a step toward more comprehensive and effective reform.

Likewise, Congress approved a provision that expanded the law’s application to both American exports and imports, thus requiring that both be processed in accordance with the Humane Method of Slaughter Act’s regulations (Government Publishing Office, 2014). Further, the Act was now to be enforced in all USDA-inspected slaughterhouses. This measure in particular represented a breakthrough in the scope of the HMSA. The Federal Meat Inspection Act of 1906 mandates that all meat processing plants selling their products to the public be inspected by certified government agents, thus requiring USDA personnel to be present at all

times of production; with this, the Humane Methods of Slaughter Act was no longer limited to plants contracting with the federal government, and was now to be unequivocally enforced in all the same facilities bound by the FMIA (Friedrich, 2015).

Notwithstanding these progressive movements, several key provisions from the 1958 Act were altered. In 1960, the USDA issued a set of regulations specifying that the term “other livestock”, as seen in the HMSA of 1958, included goats and “other equines”, but excluded poultry (United States Court of Appeals, Ninth Circuit, 2009). Further, while a ruling from the United States Court of Appeals Ninth Circuit affirmed that term “other livestock” was not formally repealed and thus remained a “functional part of the HMSA of 1958” (Friedrich, 2015), this proved to be moot as the USDA had since made clear its decision on the law’s application to poultry (United States Court of Appeals, Ninth Circuit, 2009). This position remains intact, as a 2005 Notice from the USDA stated that, “at this time, the HMSA of 1978 does not cover poultry”, but that “welfare practices for poultry are covered by the regulatory requirement for good commercial practices” (Food Safety and Inspection Service, 2018). These “good commercial practices”, however, make no mention of the humane treatment of poultry. Rather, there is an FSIS-issued “regulatory requirement” designed to determine “whether establishment employees are mistreating birds or handling them in a way that will cause death or injury, or prevent through bleeding or result in excessive bruising” (ibid.). This document requires that inspection program personnel “complete a Poultry Good Commercial Practices Task and record the results in [the Public Health Information System] on a daily, per shift basis when the establishment slaughters”, yet there are no explicit guidelines by which they should abide (ibid.). This severely compromises the welfare of the poultry, as the USDA has refused to outline

prohibited slaughtering practices; regarding “observ[ing]” the behavior of slaughterhouse employees, the text of this document actually reads:

Some things to look for include:

- establishment employees breaking the bird’s legs to hold them in the shackles
- birds frozen inside cages or frozen to the cages in cold weather
- birds dead from heat exhaustion—you would primarily see heavy panting in poultry suffering from heat stress.
- establishment employees driving over live birds with equipment or trucks in the unloading or live hang area (ibid.)

None of these activities, however, necessarily constitute the filing of a noncompliance report against the slaughter plant. According to the FSIS, in order to issue a noncompliance report (NR), one must “demonstrate that the establishment has lost control of its process” (ibid.). The Good Commercial Practices in Poultry guidelines are keen on emphasizing that noncompliance is not based upon a “bird-by-bird performance standard”, thus endorsing the idea that isolated incidents of mishandling do not indicate a loss of control and should not hinder the progress of slaughter lines (ibid.). Rather, it is suggested that a Mistreatment Memorandum of Interview (MOI) should be filed for these instances. If an FSIS worker, for example, is to witness birds being “mistreated before or during shackling or elsewhere in the slaughter operation, up to the kill step, but there’s no evidence of loss of process control”, then it should prompt an MOI, not noncompliance (ibid.). When there is reason to believe that there is a “loss of control”, however, the guidelines read that Noncompliance Reports should never “quote the Humane Methods of Livestock Slaughter Act, the National Chicken Council Audit Guidelines, the Federal Register Notice on Treatment of Live Poultry Before Slaughter, or any of the establishment’s written poultry handling plans” (ibid.). FSIS employees are instead expected to “notify the establishment managers immediately when [they] observe the mistreatment and discuss the mistreatment with establishment managers as soon as possible after the event” and are to “document the discussion

and any planned actions on the part of the establishment by writing a mistreatment MOI” (ibid.). This ultimately implies that correctional actions are not a mandatory component of the enforcement process, and that even in the case of an MOI, it is written that District Veterinary Medical Specialists will “review the MOI and determine if additional action is warranted” (ibid.). This exposes an egregious lack of competency on behalf of both the Food Safety and Inspection Service and the United States Department of Agriculture, as these guidelines are crafted to minimize the frequency of violations regardless of the welfare of the animals being slaughtered.

Furthermore, Section 1903 of the HMSA of 1958, which placed limitations on government procurement of animal products, was also removed from the final version (Friedrich, 2015). It was, perhaps, in lieu of this provision that the USDA now had the authority to both shut down slaughterhouses and impose “criminal sanctions” against perpetrators of inhumane treatment (ibid.). Nonetheless, while expanding the scope of the USDA did allow for more effective *enforcement* of the HMSA, this did not strengthen existing regulations or implement further protections against the perpetual horrors seen in industrial factory farms.

Similarly, the Farm Security and Rural Investment Act of 2002 -- which included an amendment to the HMSA of 1978 -- simply emphasized an extant provision of the law. Though pure in its intent, the amendment merely accentuated the role of the USDA in enforcing the Humane Methods of Slaughter Act, requiring the Secretary of Agriculture to “report the results and relevant trends annually to the US Congress” (Government Publishing Office, 2014). Consequently, this is meager in its attempts to curtail the cruel treatment of animals, as it neither tightens regulatory guidelines nor magnifies the consequences for violations.

While this provision implies a more comprehensive approach to curtailing cruel and inhumane practices within the farm animal industry, the HMSA is meager in its attempts to regulate treatment prior to slaughter. Sections 313.1 and 313.2 of the Federal Code respectively outline safety requirements for livestock pens, driveways, and ramps, as well as the “handling of livestock” (Government Publishing Office, 2014). The former section focuses on infrastructural issues that could harm the animals such as “sharp and protruding objects”, “loose boards”, and slippery surfaces, while the latter provides discretionary guidelines for both factory workers and FSIS inspectors regarding the care of livestock (ibid.). Though these provisions advise against certain practices, the language used clarifies that inspectors may use their judgement to gauge whether these behaviors constitute a violation of the law. For example, Section 313.2 states that the use of “electrical prods, canvas slappers, or other implements employed to drive the animal should be used as little as possible in order to minimize excitement and injury”, but that this shall be left to the “opinion of the inspector” (ibid.). Further, the use of “pipes, sharp or pointed objects, and other items” which may “cause injury or unnecessary pain to the animal” is not explicitly prohibited but is rather left to the discretion of the inspector (ibid.). This loose language consequently compromises the wellbeing of the animals, as the amount of suffering endured by livestock is determined by the personal convictions of individual FSIS employees.

The Humane Methods of Slaughter Act is now codified in Title 9, Chapter III, Section 313 of the United States Code of Federal Regulations, citing the proper handling of livestock -- with the exclusion of poultry -- within the factory farm industry (Government Publishing Office, 1987).

It is, however, worth noting that 27 states¹ have entered into “cooperative agreements” with the FSIS in which they may operate their own Meat and Poultry Inspection (MPI) programs (FSIS, 2017). These programs must “operate in a manner that is, and with authorities that are, ‘at least equal to’ the programs that FSIS has implemented”, and compliance is determined based on annual self-assessments and annual on-site reviews conducted by the FSIS (ibid.). Each state must accordingly abide by the standards set forth by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Humane Methods of Slaughter Act, but they do hold the autonomy to strengthen such regulations. It is unclear whether states have pushed to improve farm animal welfare laws through this channel, or, contrarily, whether states have done so in an attempt to evade a burdensome federal presence in slaughtering facilities. Nonetheless, the 2017 FSIS report disclosed that “each of the 27 State MPI programs provided adequate documentation” based on these two forms of inspection to support their compliance with federal programs (ibid.).

It is equally noteworthy that there are no federal statutes addressing the confinement of farm animals.

Egregious versus Non-Egregious Violations

In 2005, the Food Safety and Inspection Service issued guidelines distinguishing the difference between egregious and non-egregious violations of the Humane Methods of Slaughter Act. This publication defines an egregious violation as “any act that is cruel to animals or a condition that is ignored and leads to the harming of animals” (Government Accountability Office, 2010). These acts include:

- making cuts on or skinning conscious animals;

¹These states include Alabama, Arizona, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Minnesota, Mississippi, Missouri, Montana, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

- excessively beating or prodding ambulatory or non-ambulatory disabled animals;
- dragging conscious animals;
- driving animals off semi-trailers over a drop-off without providing adequate unloading facilities so that animals fall to the ground;
- running equipment over animals;
- stunning animals and then allowing them to regain consciousness;
- leaving disabled livestock exposed to adverse climate conditions while awaiting disposition; and
- otherwise intentionally causing unnecessary pain and suffering to animals (ibid.).

Following reports of “inhumane handling” at a California plant in 2008, however, the guidelines were amended to include “multiple failed stuns, especially in the absence of corrective actions” and the “dismemberment of live animals” as egregious acts of violence against farm animals (ibid.).

Non-egregious violations, while not as malicious, are nonetheless harmful to the wellbeing of the animals; these acts include but are not limited to depriving the animals of drinking water either in their pens or during transport and driving the animals to walk faster than their normal pace, which often results in them slipping and falling (Government Accountability Office, 2010 & FSIS Directive 6900.2 Revision 2, 2011).

If an FSIS inspector determines that an egregious act has occurred, they may “suspend inspection at the plant immediately, effectively shutting down the plant’s entire operation, and determine corrective actions with plant management and the district office” (Government Accountability Office, 2010). Should an FSIS inspector witness a non-egregious act, however, the procedure seems to mimic that of the Good Commercial Practices in Poultry; they need only report the incident to the plant manager, who is thereon responsible for any corrective action (FSIS Directive 6900.2 Revision 2, 2011).

Combatting Legislation

In contrast to these efforts to mitigate the mistreatment of farm animals, there exists legislation intended to deter these progressive movements. In 2003, the American Legislative Exchange Council -- a conservative, nonprofit organization that consists of lawmakers and private actors -- introduced a piece of model legislation titled the Animal and Ecological Terrorism Act. This bill established that “enter[ing] an animal or research facility to take pictures by photograph, video camera, or other means” would be a felony, and, in keeping tone with the USA PATRIOT Act of 2001, that convicted perpetrators would be put on a permanent “terrorist registry” (Genoways, 2015, p. 125). When the AETA was brought to legislators, however, it remained untouched for years; it was not until 2006 that the bill was pushed through committees and sent to the floor for a vote. The final version of the bill was approved in the Senate by unanimous consent, and only one Representative -- Democrat Dennis Kucinich of Ohio -- stood in opposition. President George W. Bush signed this legislation in 2006, and it was passed into law as the Animal Enterprise Terrorism Act. Though comparable in effect, the newly coined AETA limited the scope of the bill originally introduced in 2003: the ban on shooting video or engaging in other forms of protest was modified to apply only if perpetrators were “damaging or interfering with the operations of an animal enterprise”; the section requiring a “terrorist registry” was eliminated; and prison terms were only to be enforced if “protest actions resulted in a person’s injury or death” (ibid.). With this, the finalized law proved to be less restrictive than initially intended, but there were still mounting concerns over its prospective effects on both First Amendment rights and animal welfare within the United States.

This legislation was advertised to lawmakers as “a needed revision of existing laws protecting medical research from unlawful interference”, but it also marked the beginning of lobbyists and lawmakers “conflating” radical incidents involving animal-rights groups with those

of lawful, undercover journalism (Genoways, 2015, p. 126). This became increasingly evident following the AETA's passage, as in response to threats and violence from organizations such as the Animal Liberation Front and Stop Huntingdon Animal Cruelty, the FBI announced that "the No. 1 domestic terrorism threat is the eco-terrorism, animal-rights movement" (ibid.). The law itself states that "nothing in this section shall be construed to prohibit any expressive conduct (including peaceful picketing or other peaceful demonstration) protected from legal prohibition by the First Amendment to the Constitution", but this statement nonetheless set a dangerous paradigm. It both disincentivized animal-rights activism and confounded the line distinguishing legal acts of protest from harmful displays of lawlessness, and many joined Representative Kucinich in his concern that the application of this law would "have a chilling effect on the exercise of the constitutional rights of protest" (Cornell Law School, n.d. & Genoways, 2015). There have since been a handful of criminal prosecutions on behalf of the AETA, but the constitutionality of the law has been challenged in Court. On November 8, 2017, however, the Seventh Circuit of the United States Appellate Court set legal precedent that, in the case of the United States of America v. Kevin Johnson and Tyler Lang, it was concluded that the statute is not "overbroad" in its prohibitions, and that a lawful conviction must include evidence of "damage to tangible property used by the animal enterprise," which validates its intent of criminalizing "violence and intimidation used against animal enterprises" (FindLaw, 2017).

Furthermore, the states of Montana, North Dakota, Kansas, Arkansas, Missouri, and North Carolina currently enforce what are known as "ag-gag" laws, or laws that are designed to criminalize whistleblowing within the agricultural community (American Society for the Prevention of Cruelty to Animals, 2017). While most states have struck down such measures as unconstitutional, there is still existing -- and relatively modern -- legislation in these seven states

that prohibits undercover documentation of agricultural practices without the consent of the facility's owner (Animal Legal Defense Fund, 2018). These laws essentially ensure that certain industries do not lose profit. In eliminating the threat of exposure, those in noncompliance are neither obligated to adjust their ordinary procedures nor are they faced with the monetary consequences of public backlash. There have been several lawsuits filed in opposition to these ag-gag laws, but legal battles continue as a handful of states still implement these provisions that not only compromise the wellbeing of farm animals, but that have a negative impact on consumers within the contexts of health and awareness, as well.²

Imminent Legislation

The Humane Methods of Slaughter Act of 1978 and the 28-Hour Law of 1873 are both presently enforced by the USDA. Despite these continuing strides toward more humane slaughtering practices, however, the current administration's Secretary of Agriculture proposed legislation in January of 2018 that has the potential to compromise the wellbeing of animals raised for slaughter. The USDA has introduced the New Swine Slaughter Inspection System, which is an opt-in program designed to "modernize swine inspection" (United States Department of Agriculture¹, 2018). According to the Food Safety and Inspection Service, this system will allow for more "innovation and flexibility" within hog-slaughtering plants, as it removes existing limitations on line speeds and gives individual plants the autonomy to establish their own slaughtering quotas (ibid.). In Volume 8, Issue 22 of the Federal Register published on February 1, 2018, the FSIS reported that "traditional inspection limits line speeds, even if establishments can demonstrate that they are able to produce safe, unadulterated, wholesome products at more

²North Carolina and Arkansas have taken this brand of policy to another extreme, enforcing these "gag" laws in any sort of "private business, including hospitals, elder care facilities, veteran care facilities, and schools".

efficient rates”, and that this approach would redeploy agency resources to create a more effective mode of swine slaughter (Government Publishing Office, 2018).

This would be accomplished primarily by reorganizing the structure of traditional slaughter plants. Existing methods include a combination of ante and post-mortem inspections as well as on and offline verification activities. This rule, however, would amend the Federal Meat Inspection Act of 1906 to emphasize ante-mortem and offline inspection procedures, as these components are projected to increase consumer safety and time-efficiency on the floor (Government Publishing Office, 2018). Plant workers would accordingly “[sort] and [remove] unfit animals before ante-mortem inspection and [trim] and [identify] defects on carcasses and parts before post-mortem inspection by FSIS inspectors” (ibid.). FSIS inspectors would thus be “be presented with healthier animals and carcasses that have fewer defects to inspect”, allowing their inspectors to “conduct a more efficient and effective inspection of each animal and each carcass” (ibid.). As a result, fewer FSIS workers would be assigned to online inspection³, and agency resources could be redistributed to “conduct more offline inspection activities⁴ that FSIS has determined are more effective in ensuring food safety” (ibid.). This ultimately allows for more corporate autonomy throughout the slaughtering process, as it is not federal inspectors, but the industry inspectors who are “responsible for identifying steps in food production where food safety hazards are most likely to occur and for establishing controls that prevent or reduce them” (Food Safety and Inspection Service, 2011). This essentially shifted the role of the FSIS from leading inspections to conducting oversight and verification activity.

³Online inspectors are stationed at fixed positions along the slaughter line and perform carcass-by-carcass post-mortem inspections.

⁴Offline personnel move through the different areas of the establishment while performing their duties.

This model, formally referred to as the HACCP-Based Inspection Models Project (HIMP)⁵, was a study launched in 1997 in response to the 1993 E-Coli breakout and was designed to determine whether “applying new Government slaughter inspection procedures, along with new plant responsibilities, could promote innovation and provide at least the same food safety and consumer protection” (Government Publishing Office, 2018). The FSIS implemented the HIMP study in 20 young chicken, five young turkey, and five market hog establishments on a “waiver basis”, but it has yielded mixed results regarding its overall success (ibid.).

Within the context of animal welfare, the Federal Register reported in February of 2018 that the FSIS has conducted more offline humane handling verification tasks in HIMP establishments than in its counterparts. This is due to the fact that “more FSIS resources will be available to verify humane handling as an offline activity”, as this model calls for lowering the cap of online inspectors (Government Publishing Office, 2018). It was also found that FSIS inspectors “spent more time verifying that specific humane handling and slaughter requirements were met in HIMP market hog establishments than in non-HIMP market hog establishments”, and that FSIS inspectors “documented fewer humane handling [Non-compliance Reports] in HIMP market hog establishments than in non-HIMP Establishments” (ibid.). The FSIS has thus concluded that “HIMP establishments have higher compliance with humane handling regulations than non-HIMP establishments, and that increased offline inspection may improve compliance with the HMSA (ibid.).

⁵HACCP is an acronym for Hazard Analysis and Critical Control Point Systems. The USDA describes the preventative program as a “management system in which food safety is addressed through the analysis and control of biological, chemical, and physical hazards from raw material production, procurement and handling, to manufacturing, distribution and consumption of the finished product.”

Since the inception of this program, however, these claims have been challenged. Journalist and editor Ted Genoways exposed the lapses of HIMP in his 2015 book titled *The Chain*, as he shared first-hand accounts of the inner-workings of factory farms under this experiment. The HACCP-Based Inspection Models Project allows meat producers to “take the lead on inspection”, thus relegating the “double-checking” to USDA inspectors and compromising their role in oversight (Genoways, 2015, p. 28). Accordingly, as illustrated by Genoways’ investigation, the reduction in both on-site inspectors and USDA personnel led to an increased burden on the plants’ quality-control auditors. Genoways reported that in HIMP’s early stages, it was “possible to conduct adequate inspections in the time allowed” (900 hogs per hour), but line speeds were increased as often as every Monday, and with new technological and manufacturing developments, “another increase would be ordered” (ibid., p. 33). “From that point forward,” wrote Genoways, “the chain virtually never stopped” (ibid.).

Hormel Foods Corporation, for example, was so adamant in resisting line stoppages that they offered incentive rewards to quality-control auditors if their lines were off for less than ten minutes a day. By the end of 2006, line speeds at one of their hog slaughterhouses had increased from 900 heads per hour to 1,350 -- a rate that was twenty percent higher than in any standard USDA-inspected facility (Genoways, 2015, p. 33). Nick Rinaker, a Hormel employee, recounted that “before HIMP, USDA had total control”, but after the program’s implementation, line speeds were increased so dramatically without regulation that it became nearly impossible to properly inspect livestock (ibid.). This was of no matter in the eyes of the corporation, however, as in the words of one of Rinaker’s supervisors, “quality slows down production” (ibid.).

This trend not only prompted concerns over food safety -- injuries among plant workers were commonplace due to the incredible line speeds, and even in instances where “meat had

been contaminated by blood, the quality-control auditors were expected to keep the line moving” --, but it also increased the risk of humane handling violations by way of the demanding slaughtering quotas and online inspectors (Genoways, 2015, p. 34). In 2008, People for the Ethical Treatment of Animals, more commonly known as PETA, conducted an undercover investigation⁶ of MowMar, LLP, a hog farm in Greene County, Iowa that was contracted with Hormel (American Civil Liberties Union, 2018). It is unclear whether MowMar Farm itself was operating under HIMP, but due to its partnership with Hormel, the facility was nonetheless held to high production expectations. Further, while this is in no manner an endorsement of PETA, their work in this instance led to the exposure of unimaginable animal cruelty. Robert Ruderman, an undercover PETA investigator working at MowMar, approached Randy Vaughn, the farm’s manager one Friday morning and disclosed his accounts of witnessing animal cruelty on the floor to test the facility’s anti-abuse policies. He was let go the following Monday. This prompted the release of the footage he had collected while working on the farm, and the subsequent investigation resulted in the conviction of six slaughterhouse workers, each of whom were charged with varying degrees of engaging in, aiding, or abetting livestock abuse -- the details of which being too grotesque to delineate (Genoways, 2015, p. 133). When confronted by law enforcement, two of the perpetrators reacted to watching video footage of themselves torturing live animals. ““You don’t realize that it’s right or wrong””, said Richard Ralston, who was facing five counts of livestock abuse (ibid., p. 131). In that kind of working environment, he said ““you’re here to get as much done as you can”” (ibid.). Ralston, however, was captured on numerous occasions encouraging fellow workers to hurt the hogs, because ““nobody works for PETA out here!””, thus capitalizing on his belief that neither he nor any other employee would

⁶The state of Iowa did not pass ag-gag laws until 2012, and they are currently being challenged in Court.

be held accountable for their actions (ibid., p. 122). Ralston's coworker, Shawn Lyons, who was facing one count, justified his actions by affirming that he "never intended to hurt the hogs", but he was just "scared to death" of the "angry" sows who had "spent their lives in a little pen", claiming that they were "in for a fight" if the animals became agitated (ibid., p. 133). Dan Paden, a senior researcher at PETA, furthered these notions, saying that employees who work in a "dusty, ammonia-ridden pig shed for nine bucks an hour" are not doing so because they *want* to, but because they are left with no other options; "at the end of a long, frustrating day," he continued, "when you are trying to move a pig who hasn't been out of its crate in [months], that's when these beatings occur -- and people do stupid, cruel, illegal things" (ibid., p. 142).

Both Hormel and MowMar Farm personnel expressed outrage at this onslaught of evidence, claiming that these horrific actions did not represent the farming industry or its values. MowMar has since been renamed and redesigned, and its employees engage in weekly training sessions on the proper handling of hogs. Notwithstanding this and other examples of improved treatment within factory farms, however, is the question of whether these shifts would have occurred without the "harsh light of public scrutiny" (Genoways, 2015, p. 143). Genoways remains skeptical, wondering if the answer lies within "increased transparency" as opposed to "tightened security"; in his eyes, it would prove more compelling to "open up [farms] to journalists" to prove that they do not resemble MowMar and its kind, rather than implement more regulations and guidelines without adequate evidence of effectiveness (ibid.). He, among others, acknowledge that just because wrongdoings are not reported or addressed, that does not mean that they are not occurring.

This proposition was dismissed as unrealistic and impractical. Further, despite his years spent researching and investigating, HIMP continues to manifest within the factory farm

industry. The unreasonable demands of the industry's high-speed slaughtering practices combined with its reduction in personnel comprehensively compromise both consumer and animal welfare, and although there have been small victories along the way, the lack of widespread reform implies a continual shift toward maximizing production at any cost.

Food Safety and Inspection Service

The Food Safety and Inspection Service, or the FSIS, is a United States Department of Agriculture agency whose mission is to protect the “public’s health by ensuring the safety of meat, poultry, and processed egg products” (United States Department of Agriculture¹, n.d.). Formally established in 1977, the FSIS is currently responsible for enforcing the Federal Meat Inspection Act of 1906 and the Humane Methods of Slaughter Act of 1978; as the agency was already inspecting all meat-processing facilities in accordance with the FMIA, upon the amendment of the latter piece of legislation in 1978, its jurisdiction was simply expanded to enforce the HMSA in all the same plants.

According to FSIS guidelines, when FSIS inspectors “observe a violation of HMSA or its implementing regulations and determine that animals are being injured or treated inhumanely”, they are to issue both a noncompliance report⁷ and a regulatory control action⁸, both of which may “restrict a facility’s ability to operate” (Government Accountability Office, 2010). In addition, on-site FSIS inspectors may also suspend plant operations, in which case district officials would “asses the facts supporting the suspension, take any final action, and notify officials in headquarters.” If the plant “fails to respond to FSIS’s concerns about repeated and/or

⁷This report documents the humane handling violation and the actions needed to correct the deficiency in cases where the animal may be injured or harmed. Inspectors are also directed to notify plant management when issuing a noncompliance report.

⁸Inspectors place a regulatory control action or a reject tag on a piece of equipment or an area of the plant that was involved in harming or inhumanely treating an animal. This tag is used to alert plant management to the need to quickly respond to violations that they can readily address. The tag prohibits the use of that piece of equipment or area of the facility until the equipment is made acceptable to the inspector.

serious violations”, however, the FSIS inspector may withdraw the plant’s grant of inspection. In the case of the latter, all FSIS inspectors may be removed from the site, thus suspending operations permanently, and the plant would need to reapply for a grant before resuming production (ibid.).

As outlined by these expectations, it would seem probable that egregious violations of the Humane Methods of Slaughter Act would be handled with exceptional care and vigilance. However, the passive language of the guidelines does not inherently require these corrective actions. Further, upon reviewing the USDA’s public records of FSIS-issued suspensions, it is thought-provoking that even extreme instances of abuse have yielded suspensions that were held in abeyance after just a few days. It is protocol that suspended plants provide a written response to the FSIS addressing any allegations of mishandling livestock with corrective actions, and the agency is then bound to review their proposed measures and determine whether they adequately remedy the issue at hand. The records reveal, however, that all but one⁹ Notice of Suspension spanning from June 27, 2017¹⁰ to September 14, 2018 has resulted in either a suspension being held in abeyance or a complete deferral, meaning that operations may resume while the corrective measures are being implemented fully and effectively. While this appears to be a satisfactory solution to these violations, it proves concerning that many of the facilities that have been handed suspensions are repeat offenders, yet they seem to suffer no lasting consequences.

Blood and Son, Inc., for example, is a family-owned slaughtering and processing facility operating under HIMP in West Groton, Massachusetts. This farm alone has been issued four Notices of Suspension over the past year for egregious violations of humane handling laws, and,

⁹Whisnant Farm, LLC was issued a Reinstatement of Suspension on September 11, 2017. FSIS records do not indicate a removal of suspension, but there is neither evidence of the facility being shut down.

¹⁰FSIS Notices are available for public viewing for approximately one year prior to being removed from the USDA’s website.

according to the available reports, was found guilty of four more violations earlier on in 2017. Each Notice, however, has been held in abeyance by way of proffered corrective measures on behalf of the facility's management (Food Safety and Inspection Service, 2018). Consequently, despite their proffered corrective measures, it seems counterintuitive to continually lift operating suspensions for habitual offenders of federal law. Furthermore, Blood and Son, Inc. is all but an anomaly; over the course of the past year alone, 28 farms have been issued multiple Notices of either Suspension or Intended Enforcement by the FSIS (ibid.).

Notices of Suspension are issued in instances where the FSIS mandates that a facility found to be in violation of statutory regulations provide a "written response concerning [the Notice] by "evaluat[ing] and identify[ing] the nature and cause of the incident", "explain[ing] the specific reason(s) why the event occurred", "describ[ing] the specific actions taken to eliminate the cause of the incident", "describ[ing] specific planned actions that [the facility] will take to prevent future reoccurrences [sic]", and "provid[ing] associated records that include monitoring and verification activities [the] establishment will use to ensure that changes are effectively implemented" (Food Safety and Inspection Service, 2018). Following their response, the FSIS will determine if any further action is necessary. As records show, however, virtually all instances have resulted in the suspensions being held in abeyance, ensuring that inspection personnel will be reassigned, operations may resume, and that the FSIS will verify that the proposed corrective measures are being adequately enforced (ibid.).

According to the FSIS, the "decision to issue a Notice of Intended Enforcement (NOIE) in lieu of a Notice of Suspension (NOS) is based on [the facility's] development and implementation of a written systematic approach for the humane handling of livestock"; with this, the removal of FSIS inspectors and an inspection grant are held in deferral, rather affording

the facility the “opportunity to demonstrate why a determination should not be made that [the] slaughter process is inadequate and that [it has] restored regulatory compliance” (Food Safety and Inspection Service, 2018). If the FSIS reviews the facility’s systematic approach and deems it adequate, then they will issue a Letter of Deferral, which affirms that the “proposed measures, provided they are successfully implemented, will serve to adequately address the regulatory issues identified within the NOIE”, and that operations may resume (ibid.).

Conclusion

Notwithstanding the absence of lasting consequences, these trends in FSIS enforcement should perhaps not be the focal point of this discussion. Rather, it appears to be more compelling to investigate *why* these instances of abuse are so chronic within the factory farm community. Whether this stems from a lack of trained slaughterhouse personnel, the outrageous production quotas demanded by both corporate and USDA executives, or an unmentioned source that drives workers to engage in these deplorable acts of violence, it is undeniable that the cruelties that continue to exist within this industry must be curtailed through both policy and agency reform.

Chapter 2: Normative Policy Matrix

Introduction

As outlined in Kingdon's Multiple Streams theory, policy solutions are crafted in response to public problems. The aforementioned incidents involving animal cruelty represent a brutal trend in America's food industry, and investigations continue to reveal the malevolence that lives within factory farms. This should prompt a discussion regarding policy reform, as recurring instances of negligence should be cause enough for legislative action. However, federal regulations such as the Humane Methods of Slaughter Act have remained essentially untouched for well over a decade, and even reports of egregious violations seem to have little effect on standing laws. Accordingly, in order to both amend existing protections and to implement new reforms to better protect farm animals, it is imperative to understand how certain components of public policy affect the enactment of legislation.

Kraft and Furlong note that there is often dissent among policymakers regarding the indicators of a strong policy solution (2018, p. 182). Legislators, for example, may emphasize criteria they believe are most important to their constituents; interest groups, contrastingly, may report on aspects of the policy that either help or hinder their industry. This typically leads to debate amongst the influencers of public policy, often resulting in more measured and balanced solutions to maximize approval. Thus, as lawmakers are often forced to compromise to pass legislation addressing highly contested issues, it is essential to acknowledge the criteria used for determining the feasibility of policy.

Kraft and Furlong expound upon these measurements in their discussion on policy assessment, asserting that the "combination of clear evaluative criteria and careful analysis should make it easier to determine whether one policy alternative is better than another." (2018,

p. 181) Though they may vary, the more sanctioned indicators of policy viability include effectiveness, cost-efficiency, equity, liberty and freedom, political feasibility, social acceptability, administrative feasibility, and technical feasibility (2018, p. 183). In considering the scope of my research, I have conducted a policy matrix using the following five evaluative criteria: effectiveness, cost-benefit, liberty, political feasibility, and administrative viability.

I have narrowed the scope of this particular evaluation to focus solely on statewide laws pertaining to the confinement of farm animals, as there are no federal statutes addressing this issue. Further research is necessary to fully comprehend the impact of policy within the broader context of farm animal welfare, but this nonetheless highlights the role of individual states within the discussion.

Normative Analytical Matrix

This particular analysis focuses on farm animal confinement laws in the states of California, Colorado, and Massachusetts. As there are no federal laws within this policy area, this selection process was based on a review of statewide legislation that addresses this issue.¹¹ I accordingly examined 11 laws and chose three that I felt complemented one another in scope, intending to gauge how the breadth of this type of policy affects feasibility. In doing so, it became apparent that California's example was the most extensive, so I found it compelling to research its implications. Colorado, however, represented one of the more balanced approaches to mitigating this issue. Its law was also passed by the state legislature as opposed to being approved via ballot initiative, as is the case with California, so I was interested to see how methodology affected content. Massachusetts, conversely, was selected because, while it has approved regulatory

¹¹According to the American Society for the Prevention of Cruelty to Animals, since the year 2002, 12 states including Arizona, California, Colorado, Florida, Kentucky, Maine, Massachusetts, Michigan, Ohio, Oregon, Rhode Island, and Washington have passed laws addressing farm animal confinement. Massachusetts' law, however, will not be implemented until 2022.

measures equal to those of California, they have not yet been enforced. Thus, I found it interesting to evaluate how the state's current inactivity might compare to its eventual status come the implementation of its law. Further, I chose states that were rather dispersed geographically, so in cases where legislation was comparable, I selected states that are in different regions across the country.

Regarding each government's specific policy, California boasts the most progressive legislation, as it has abolished the use of gestation crates used to contain swine, veal crates for calves, and battery cages for poultry, while also banning the sale of products that were raised in conditions not conducive with the state's standards (Animal Welfare Institute¹, n.d.). Colorado then follows suit, though the state legislature has neither enacted a ban on battery cages, thus exempting poultry from statutory protections, nor a ban on interstate products (ibid.). Massachusetts trails by a significant margin with no laws in place to regulate the confinement of these animals -- though the state's 2016 ballot initiative was approved, it will not be enforced until January 1, 2022 (ibid.). In this case, I am considering Massachusetts' lack of policy the "status quo", and it shall be used to determine whether the current political and economic climates permit any sort of legislative action.

It is also critical to acknowledge variations in industry between the states. Massachusetts, for example, does not foster any industrial-style factory farms, whereas both California and Colorado are host to tens of millions of farm animals raised for slaughter via intensive methods¹² (Food & Water Watch, n.d.). Factory farming is thus far less economically significant in the Bay State than in its counterparts. Nonetheless, this is not to imply that these regulations bear less of

¹²Intensive or "factory" farming is a production approach towards farm animals that aims to maximize production output while minimizing production costs. Extensive farming uses small inputs of labor, fertilizers, and capital, relative to the land area being farmed.

a burden on local producers, as farmers who lead smaller and more extensive operations often lack the resources that would allow them to adjust to statutory requirements. Accordingly, communities that are more dependent on local agriculture may see that such legislation negatively impacts production, sales, and revenue.¹³ It is therefore important to recognize that despite the scope of the farming operation, agriculture plays a vital role in both state and local economies.

The following matrix delineates the overall clout of each legislative solution based on its effectiveness -- which, in this context, is its ability to ensure the well-being of farm animals --, its cost effectiveness, its effects on liberty, its political feasibility, and its administrative viability within its own state. Each of these criteria will thus be graded on a scale of one to five, with one being poorest score and five being the highest. Subsequently, each policy’s average score indicates its strength as a solution to remedy the impact confinement has on farm animal welfare. The criteria are measured in accordance with the rubric below.

Policy Grading Rubric	
1	Criterion is absent / detrimental in effect
2	Criterion is underdeveloped / disadvantageous in effect
3	Criterion is developed / moderate in effect
4	Criterion is developed / beneficial in effect
5	Criterion is highly developed / ideal in effect

California

On January 1st, 2015, the state of California began implementing California Health and Safety Code, Division 12, Chapter 13.8, otherwise referred to as “Proposition 2” (Rumley, n.d.).

¹³Brad Mitchell, Deputy Executive Director of Mass Farm Bureau Federation, elaborates on some of these concerns in Chapter 4.

This act, which applies to swine held for “the purpose of breeding”, calves raised for veal production, and egg-laying hens, is designed to ‘prohibit the cruel confinement of farm animals in a manner that does not allow them to turn around freely, lie down, stand up, and fully extend their limbs’. This consequently yields a high rating for effectiveness as it enforces rather drastic reforms designed for the betterment of the animals; where it lacks, however, is its scope, as its protections do not apply to non-breeding pigs, cows raised for beef and dairy production, or non-laying hens. However, notwithstanding this is that while the law’s provisions are otherwise comprehensive, they are, in this case, quite costly. The University of California Agricultural Issues Center -- an organization associated with the University of California at Berkeley -- released a study that initially estimated that egg prices would increase by 25% due to increased mortality rates, feeding, production, housing, and labor costs (Ballotpedia, n.d.). This projection was amended, however, as the study continued to predict that a high percentage of California’s egg industry would move out of state to avoid the restrictive regulations, hefty fines associated with infractions, and drastic increases in expenditures. In taking this factor into consideration, the Agricultural Issues Center edited their earlier estimate, claiming that consumer prices would increase by one cent per egg, but that statewide revenue would be lost due to the fleeing industry (ibid.). A study conducted by Purdue University’s Jayson L. Lusk, however, utilized data that was collected post-implementation, and thus provided a far more accurate measure of the policy’s impact. Lusk concluded that increases in egg prices -- which were shown to fluctuate between 9% and 33% during different time periods -- correspond directly with the loss of \$117 million in revenue from the swine, veal, and poultry industries (Lusk, 2017). Accordingly, this compromises not only the grade of the policy’s cost-benefit analysis, but the liberty and administrative viability criteria, as well.

Further, the fiscal impracticalities of this legislation subsequently impact the political feasibility of maintaining such a policy due to resistance from the farming community. This disapproval was maximized following the passage of the initiative in 2010, as Tim Corder, a Republican state senator from Idaho, introduced legislation intended to “attract California chicken farmers who might consider relocating” to his home state. With this, he asserted that “Idaho would give egg farmers who might want to leave California in advance of the time that Proposition 2 goes into full effect in 2015 ‘friendlier regulations and lower costs’” (Ballotpedia, n.d.). Further, Nevada officials also communicated with poultry farmers from California and “aggressively” encouraged them to move their industries to Nevada (ibid.). Kathy Johnson, an economic development officer, publicly asserted that she and her colleagues “wanted to let them know that we do have the land, the climate, and we’ll work with them. We don’t have these stringent regulations that are being imposed now in California.” (ibid.) Accordingly, Executive Director of the Association of California Egg Farmers Debbie Murdock claimed that, due to there being approximately 20 million hens within the state’s borders, “It’s a huge expense for us to have to move. It’s a huge expense for us to change our housing. A move like this, especially in this economic climate, can be very scary.” (ibid.) This political strife was exacerbated by a provision that was approved as a supplement to Proposition 2. Bill AB 1437, which was signed into law on July 6, 2010, ruled that “a shelled egg may not be sold or contracted for sale for human consumption in California if it is the product of an egg-laying hen that was confined on a farm or place that is not in compliance with animal care standards set forth in Chapter 13.8.” (Official California Legislative Information, n.d.) This ultimately prohibits the sale of animal products produced in states that did not abide by California’s own regulations, prompting a civil lawsuit citing violations of interstate commerce laws (Ballotpedia, n.d.). The Plaintiffs in this

case, the Attorneys General of Iowa, Nebraska, Oklahoma, Kentucky, and Alabama, sued the state of California over this provision in Proposition 2, but the U.S. District Court for the Eastern District of California dismissed the case, deciding that the Plaintiffs were acting on behalf of the egg farmers, not the general citizenry, and that this demanded private legal action (Keady, 2015). This case, however, was appealed in 2015, and it is currently pending before the Ninth Circuit of the United States Court of Appeals (ibid.).

Nonetheless, with this dissatisfaction, political elites have endured backlash from both their conservative constituents and those in the farming community despite praise from the more liberal base that favors such progressive legislation. As a result, while California’s policy solution is rather on par regarding content, it is overall inadequate in satisfying the above criteria.

Policy 1: California	
Criteria	Grade
Effectiveness	4
Cost-Benefit	1
Liberty	1
Political Feasibility	2
Administrative Viability	1.5
Average	1.9
Range: 1 (poor) → 5 (strong)	

Colorado

Though California undoubtedly drew more public attention due to its policy’s expansive scope, the state of Colorado implemented similar, yet not quite as comprehensive reforms in 2008. Signed into law through regular order as opposed to through the ballot initiative process, this statute was sponsored by Senators Isgar, Gibbs, Schwartz, and Windel along with

Representatives Curry, Green, Scanlan, Stafford, and Todd (Colorado General Assembly, 2008). It addresses the “confinement of calves raised for veal and pregnant sows”, and it ensures that these animals are provided with enough space to “stand up, lie down, and turn around without touching the sides of [their] enclosure” (Rumely, n.d.). In mirroring the standards held for California, this policy is comparable regarding swine and calves but is inadequate within the context of poultry, as this group is altogether exempt from protections. With this, its overall effectiveness is compromised, but the score for its impact on liberty improves due to the less stringent and exhaustive regulations, as poultry represent the largest portion of the state’s farming inventory (Food & Water Watch, n.d.).

Further, while this legislation includes the abolition of veal crates, this industry is virtually nonexistent in the state of Colorado and thus, similar to poultry, an economic assessment is rather limited. Consequently, this law only truly affects the sow population within the context of cost-benefit¹⁴, and while there are nearly one million swine in the state, this represents the smallest of these three animal populations (Food & Water Watch, n.d.). Further, the USDA reported that, in the year 2012, out of 2,708,000 pigs raised for slaughter in Colorado, only 145,000 were breeding sows (Colorado Pork Producers Council, n.d.). This ultimately places less of a restraint on the liberty of farmers, as they are not bound by such comprehensive and costly regulations, and by way of these minimal barriers, there is far less political risk in implementing this policy; overall, it acts as a healthy compromise for both ends of the political spectrum, as it addresses the issue at hand whilst avoiding placing an undue burden on the shoulders of working Americans. Consequently, this eases the administrative viability of this policy, as the cost burden is limited to the expansion of crates for breeding sows; the massive

¹⁴Economic projections and reports for this policy appear scarce, perhaps implying minimal ramifications.

increase in cost seen in California’s policy is thus absent in this example, as the anticipated impacts of banning battery cages are not included. With this, it becomes apparent that the exemption of confinement regulations for poultry is of exceptional significance, as Colorado’s policy solution boasts a far stronger score regarding overall efficiency due to its minimal scope.

Policy 2: Colorado	
Criteria	Grade
Effectiveness	3
Cost-Benefit	3.5
Liberty	3
Political Feasibility	4
Administrative Viability	3
Average	3.3
Range: 1 (poor) → 5 (strong)	

Massachusetts

Massachusetts, though amongst the most progressive and liberal states in the nation, does not currently enforce any legislation concerning the confinement of farm animals. As previously noted, however, Massachusetts does not host any industrial-style factory farms, and there is only one operation statewide that uses battery cages. Diemand Farm, located in Wendell, is home to approximately 3,000 head of poultry and, prior to the passage of the “Act to Prevent Cruelty to Farm Animals”¹⁵ in 2016, caged each bird to reduce incidents of them “cannibalizing each other, lying in their own manure or crowding in corners when frightened” (Davis, 2016). Diemand

¹⁵This Act prohibits any form of confinement that prevents the animal from lying down, standing up, fully extending its limbs, or turning around freely. The statute also reads that it “shall be unlawful for a business owner or operator to knowingly engage in the sale within the Commonwealth of Massachusetts” of any “shell egg”, “whole veal”, or “whole pork” that was confined in a “cruel manner”.

Farm owner Anne Diemand Bucci has further stated that the hens are fully able to stand up, lie down, turn around, and spread their wings even in their cages, and that when outsiders are brought into the hen houses, they leave with a sense of relief knowing that the birds are well-cared for (ibid.). This notion challenges the conventional image of “battery cages”, as the images displaying millions of tightly-crammed birds do not accurately represent operations at farms such as Diemand. It is thus argued by many, including Brad Mitchell, the Deputy Executive Director of the Massachusetts Farm Bureau Federation, that this ballot measure is ill-suited and simply unnecessary for Massachusetts, as the state already engages in humane practices that should not be conflated those seen in large-scale factory farms¹⁶.

While the maintenance of the status quo would conventionally yield a low effectiveness rate, it is essential to acknowledge that Massachusetts does not engage in practices that severely compromise farm animal welfare. It is not to say that, in the instance of Diemand Farm, the use of battery cages does not negatively affect welfare; rather this is taking into consideration the fact that it has been 25 years since Massachusetts farms have used veal crates 20 years since they have used gestation crates¹⁷. This, again, does not pardon the state from accountability, but it does mean that its lack of policy solution is not as comprehensively detrimental to animal welfare as it is in states with less progressive agricultural practices.

Without regulatory action, however, comes more favorable reviews of cost efficiency, liberty, and administrative feasibility, as Massachusetts farmers are not bound by regulatory measures that have the potential of impeding on their conventional practices and increasing their expenditures. Further, while it is likely that more liberal individuals and political elites may oppose this lack of regulation, there is, comparably, little political risk in not implementing such

¹⁶This argument is elaborated in Chapter 4.

¹⁷An employee from the Massachusetts Farm Bureau affirms these claims in Chapter 4.

measures; thus, as the primary proponents for progressive legislation tend to be nonprofit organizations and grass-roots lobbyist groups, their opposition is not guaranteed to gain the same political traction as corporate entities and the more powerful stakeholders in the farm animal industry. Consequently, while Massachusetts’ approach to animal confinement does not produce the most desirable effects, it is, based on these matrix criteria, the strongest and most potent policy solution within this area.

Policy 3: Massachusetts	
Criteria	Grade
Effectiveness	2
Cost-Benefit	5
Liberty	5
Political Feasibility	4
Administrative Viability	5
Average	4.2
Range: 1 (poor) → 5 (strong)	

Conclusion

Within the context of John Kingdon’s *Multiple Streams* model, it may prove that the most effective solution is not the most viable. As Kingdon wrote that a policy’s “criteria for survival” include economic feasibility and political acceptability, it can be assumed that Massachusetts’ maintenance of the “status quo” would prove to be the most practical. However, as this does nothing to address farm animal welfare, it would be fruitless in its efforts to quell the effects of the public problem. In examining the remaining statewide examples, it can be expected that California’s “Proposition 2” would face a fair amount of backlash if implemented on the federal scale; while the progressiveness of the state leaves room for like-minded policies, its expansive

scope and economic drawbacks ultimately compromise its likelihood of gaining broad-based, national support. It is critical in this instance to note that “Proposition 2” was a ballot initiative, sponsored, debated, and approved by the state’s constituency. Colorado’s policy, contrarily, was sponsored, debated, and approved by the state’s legislature. This may have perhaps contributed to why the latter’s legislation was far less comprehensive, as legislators would have had to appeal to both sides of the political aisle, their constituents, and the state’s industries; California’s initiative, however, was not bound by the same obligations. Though this did ultimately impact the policy’s effectiveness, it is its limited scope that allowed Colorado’s solution to surpass California’s in overall strength. Colorado’s decision to exempt poultry from statute’s measures lifts a significant burden from the shoulders of the agricultural community as a whole; according to the United States Department of Agriculture’s Economic Research Service, eggs have the highest per capita consumption rate (per pound) out of all animal products in the nation^{18,19} (United States Department of Agriculture², 2018). Consequently, if applied nationwide, this massive industry would not be impacted by such onerous regulations. Rather, as previously outlined, regulations would instead be enforced in the veal industry, which, when combined with lamb and mutton production, still represents the smallest portion of meat production within the United States²⁰ (North American Meat Institute, n.d.). The confinement laws would also, of course, apply to breeding sows, but according to a 2015 report from the United States Department of Agriculture, breeding sows only accounted for 9% of the nation’s hog population, thus implying that implementation would yield a minimal impact on operations

¹⁸This measurement does not include dairy products.

¹⁹Further, while Colorado’s law does not apply to broiler chickens -- or chickens raised for consumption -- the North American Meat Institute reported that the poultry industry is the largest amongst any animal food product industry (North American Meat Institute, n.d.).

²⁰This measurement is broken down by the chicken (38.4 billion pounds), turkey (5.8 billion pounds), beef (25.8 billion pounds), pork (23.2 billion pounds), and veal, lamb, and mutton (286 million pounds) production in the United States during 2013.

(United States Department of Agriculture, 2015). These factors together increase the viability of this policy solution, as it appears to have a balanced approach and would be moderate in effect across the country. For this reason, it is likely that Kingdon would view Colorado's law as a potential policy solution, seeing that it mitigates the public problem whilst avoiding any major partisan or economic blows. While it is not to say that there is not room for a more effective policy, within this particular discussion, the state of Colorado offers a rather moderate solution that is judicious in its attempt to curb the cruelty induced by a complex and powerful industry.

The results of this policy matrix thus underscore the issues with a "one size fits all" policy solution, as economies, industries, and politics vary greatly across state lines. With this, it is rather understandable that most states have yet to act within this policy area; while progressive legislation such as that in California may prove effective within the context of animal welfare, its impact on both the general economy and the state's agricultural industry are less convincing.

It is in spite of this hindrance, however, that there is the opportunity to craft more balanced legislation based on the results from states such as California and Colorado; as noted by Kingdon, federal legislation is conventionally based upon a successful, more local model. In analyzing these models, legislators and policy experts may extract the more effective components from different laws, and with this they can propose legislation that is true to its intent while minimizing economic or industry-specific burdens.

It has become evident that economics is disincentivizing legislative factor. This ultimately demands the attention of policy experts who can work with the agricultural community to design well-balanced, informed, and effective solutions to public problems such as farm animal welfare.

Chapter 3: Public Opinion

Introduction

As Kingdon's theory is highly dependent upon the existence of a public problem and, more importantly, the subsequent demand for governmental action, a substantial portion of my research was focused on public opinion. It is essential to note the extent to which policy, or lack thereof, reflects the views of its constituency, and with this, I launched a survey designed to capture the public's general tone toward farm animal welfare within the state of Massachusetts.

Similar to the policy matrix, as the scope of this specific project is narrower than that of the research question as a whole, this simply represents a case study. In contrast with the policy matrix, however, this survey acknowledges Massachusetts' Ballot Question 3 initiative. This initiative, which voters overwhelmingly supported, was approved in November of 2016; its language essentially mimics that of California's "Proposition 2", though it will not be enforced until January of 2022.

Data and Methods

With regard to programming, I used Amazon's Mechanical Turk marketplace to create this survey. It remained in the field for 25 days and I collected data from 350 respondents²¹, all of whom were Massachusetts residents. Respondents were first asked to gauge their political awareness and were then asked about their knowledge of specific agricultural practices within the United States. They were subsequently asked to report their views on a series of farm animal welfare issues such as statutory protections for farm animals, concern over the economic impacts of heightened regulations, and the roles of both state and federal governments in implementing such measures. The survey also took demographics into account, with the final questions

²¹While 350 Massachusetts residents began the survey, not all respondents answered each question. All charts indicate the number of respondents for each respective question.

recording indicators such as age, gender, race, income, education, and political ideology. The data was then organized and reconstructed into charts to more effectively display the range of responses.

Despite the ease with which Massachusetts residents approved Ballot Question 3, I had rather modest expectations for this survey. In acknowledging the political climate of the state I did anticipate that more respondents would favor regulatory measures than not, but I expected that, upon being introduced to the potential economic disadvantages of legislation, support would plummet; again, I acknowledged that Massachusetts boasts a high cost of living in comparison with other states, but I expected that consumers would be less inclined to accept this brand of policy with the potential of increased costs. I also predicted that, because Massachusetts does not host any industrial-style, intensive factory farms²², that residents would feel less compelled to pursue the passage of more statewide farm animal welfare laws, especially considering its recent approval of Ballot Question 3. With this, I held a rather cynical position, assuming that respondents would show support for the general regulation of the farm animal industry, but when asked whether they support enacting legislation specifically within Massachusetts, their level of support would decrease. Overall, I anticipated that there would be support for the intent of this legislation, but that the results of the survey would indicate apprehension due to its economic implications.

Limitations

Though this section provides valuable data, it should also highlight the limitations of utilizing surveys as a research tool. This sample was not probability-based, or truly random, as it

²²According to Mass.gov statistics, 80% of farms in Massachusetts are family-owned and 95% qualify as “small farms”, which according to the USDA, have annual sales that amount to less than \$250,000. The remaining 5% still do not qualify as factory farms.

was offered only to those who are actively involved in Amazon's Mechanical Turk program, and it can be assumed that respondents would generally be younger more technologically adept. Thus, this form of data collection is naturally selective, ultimately narrowing the range of respondents. This proves to be significant within the context of this project because it inadvertently excludes certain affected populations from its reports. For example, it may be that a significant portion of senior citizens lives on a fixed income. It is possible, then, that some may feel unduly burdened by increased food prices, but they also may be less inclined to participate in an online survey. With this, it is probable that this population is underrepresented in this sample, despite being highly affected by this type of policy. It should accordingly be recognized that the respondents for this survey are not inherently representative of Massachusetts residents. Consequently, the extent to which this sample represents the entire population is compromised, as certain criteria influenced participation. It is not to say, however, that the sample is insignificant, as Mechanical Turk is widely considered a reputable tool for data collection within the realm of academia; rather, this is an acknowledgment of the limited scope of this type of research. Thus, so long as they are weighed judiciously, the results from this survey should be considered relevant for this project.

With this, the following sections outline each key demographics along with the survey questions and their respective responses. I have also included the significance of each question within the context of Kingdon's public policy model and its subsequent implications for this research.

Demographics

A section of the survey was comprised of demographic-based questions to more accurately gauge the diversity of this particular sample. Respondents were asked to report on

their sex, age, race or ethnicity, level of education, household income, political ideology, and political party identification. As it is critical to determine the extent to which these indicators influenced responses, these demographics are analyzed within the context of respondent data in the form of cross-tabulations later in this chapter.

Sex

Respondents were split nearly perfectly between males and females, with 51% identifying as the former and 49% as the latter.

What is your sex?	Count Choice
Male	51% - 171
Female	49% - 164
Other	0% - 0
	335

Age

Respondent age was rather dispersed, though 66% reported that they are ages 18 - 34, bolstering the previous claim that this sample may consist more of younger individuals due to its technological format.

What is your age?	Count Choice
18 – 24 years old	41% - 136
25 – 34 years old	25% - 82
35 – 44 years old	17% - 57
45 – 55 years old	7% - 24
65+ years old	4% - 15
	334

Race

This group was not, however, racially diverse, as 79% of respondents identified as White. The next largest population was Asian individuals, who made up 8% of the sample, followed by 6% reporting as Black. Only 4% were Hispanic or Latino, and only 1 individual was Middle Eastern. There were no American Indian or Native Hawaiian respondents at all, and 2% preferred not to answer.

What is your race/ethnicity?	Count Choice
White	79% - 266
Black or African American	6% - 21
American Indian or Alaska Native	0% - 0
Asian	8% - 28
Native Hawaiian or Pacific Islander	0% - 0
Hispanic or Latino	4% - 12
Middle Eastern	0% - 1
Other/Prefer Not to Answer	2% - 7
	335

Level of Education

When disclosing their highest level of education, 42% of respondents marked that they have received Bachelor’s degrees. 23% reported that they attended but did not graduate from college, and 21% have post-graduate degrees. This left just 8% with high school diplomas or GEDs, 5% with Associate degrees, and only 1 individual with no high school experience. This suggest that this sample is generally well-educated and may perhaps be adept in their understandings of politics and public affairs.

What is your highest level of education?	Count Choice
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No High School	0% - 1
High School/GED	8% - 27
Some College	23% - 78
Associate Degree	5% - 18
Bachelor's Degree	42% - 143
Post Graduate Degree	21% - 69
	335

Household Income

Responses for household income, however, were quite dispersed. 37% of respondents reported that their household income for the previous year totaled to less than \$50,000, with 9% of this total reporting incomes of less than \$20,000. The most sizeable portion of the sample (39%) marked incomes ranging from \$50,000 to \$99,999. 15% reported a range from \$100,000 to \$149,999, and 9% claimed incomes of over \$150,000. These results display a relatively ordinary distribution of incomes, as the two smallest data sets represent the high and low end of the economic spectrum and most respondents fell somewhere in the middle. Seeing as how this survey features questions referencing the economic impacts of certain policies, it should be interesting to observe whether there is correlation between income and support for legislative action.

How much total combined income did all members of your HOUSEHOLD earn last year?	Count Choice
Less than \$20,000	9% - 31
\$20,000 - \$49,999	28% - 94
\$50,000 - &74,999	19% - 64
\$75,000 - \$99,999	20% - 66
\$100,000 - \$149,999	15% - 51

\$150,000+	9% - 29
	335

Political Ideology

In considering ideology, most respondents marked themselves as liberals (47%). 37% claimed they were moderate in their beliefs, leaving just 17% of the sample as conservatives.

Thinking about your political views, would you say you are...	Count Choice
Conservative	17% - 55
Moderate	37% - 122
Liberal	47% - 154
	331

Political Party Identification

Correspondingly, 41% of respondents identified as Democrats, 36% identified as Independents, 12% as Republicans, and 11% as their party not being listed or refraining from an identification. This indicator, along with ideology, may prove to be significant in the context of both governmental scope and economics, as both areas are quite relevant in this particular discussion on welfare laws.

Thinking about yourself, would you say you are...	Count Choice
A Democrat	41% - 135
An Independent	36% - 118
A Republican	12% - 41
No Party Identification/Not Listed	11% - 38
	332

Political Awareness

The survey begins by asking respondents to report on their level of political awareness. In bringing attention to whether residents tend to be engaged in politics, current events, or public affairs, we can better gauge the probability that they would be aware of, or be concerned about, specific issues in contemporary society. With this, given the option between “always”, “most of the time”, “sometimes”, and “never”, most respondents selected that they follow public affairs most of the time. This response, which garnered 48% of respondents, was followed closely by “sometimes”, with 36% of the vote. Only about 13% of respondents reported that they consistently keep up with politics, and less than 3% said they are not at all informed. This implies that Massachusetts residents appear to be relatively aware of current affairs.

Some people seem to follow what is going on in government and public affairs most of the time, whether there is an election going on or not. Others are not that interested. Would you say you follow what's going on in government and public affairs?	Count Choice
Always	13% - 44
Most of the time	48.% - 163
Sometimes	36.% - 123
Never	3% - 9
	339

Knowledge of Agricultural Practices

The second survey question asked respondents to mark their awareness regarding a series of agricultural practices. This narrows the scope of the first question, providing insight as to whether Massachusetts residents feel informed of discussions within this policy area. Further, in focusing on the overarching purpose of the survey, this helps to define whether or not the issue of farm animal welfare is considered a public problem in the Commonwealth; while the acknowledgement of political discussion does not inherently translate to the belief that it is a

problem, it is nonetheless important to recognize that the issue has gained enough traction within the state of Massachusetts to prompt debate.

The results of this question do, in fact, imply that Massachusetts residents are cognizant of farm animal welfare as a contemporary issue. 47% of respondents reported that they have heard this issue being discussed, and though there were high responses to other options, this yielded the highest rate of awareness. Following farm animal welfare was the issue of organic farming, with 45% of respondents reporting their awareness. 25% of residents have heard of Right to Farm communities, and 20% recognize the topic of corporate farming. The issue with the lowest level of public awareness is farmland zoning, though it is essential to note that 28% of respondents shared that they had not heard any of these issues being recently discussed. This data does, however, provide that about half of sample is conscious of debates regarding farm animal welfare; while this does not suggest overt awareness of this issue, it may be that agricultural debates in Massachusetts are not typically at the forefront of political discussion. Regardless, within this context it appears that farm animal welfare is the most familiar topic, thus implying that residents may be more apt to consider it as a public issue.

There is a lot of debate about different agricultural policies in Massachusetts. How many of the following issues have you heard discussed? Please check all that apply.	Count Choice	% of Response
Right to Farm communities	14% - 84	25%
Farm animal welfare	26% - 158	47%
Farmland zoning	8% - 49	14%
Organic farming	25% - 152	45%
Corporate farming	11% - 66	20%
I have not heard any of these issues being discussed	16% - 95	28%
	604	338

State Legislation

After determining the extent to which respondents were aware of agricultural practices, they were asked if the issue of farm animal welfare should be addressed by state legislatures. This helps to determine whether this is considered a public problem within the state of Massachusetts, and consequently, whether residents feel that governmental action is necessary for a solution. With this, when asked if state governments should regulate the treatment of farm animals, respondents conveyed widespread support, with 90% of respondents indicating their approval for such measures. In further refining this category of general support, 54% of residents selected that they “strongly agree” with the idea of statewide legislation, while 36% said they “somewhat agree”. Only 7% of respondents reported that they were impartial to the matter, and a mere 3% shared that they “somewhat” or “strongly” disagreed, with votes of 2% and 1%, respectively.

This suggests that Massachusetts residents feel rather convinced that there should be provisions outlining proper handling requirements for farm animals, and that these welfare laws should be enforced by the state. These results thus indicate that this particular issue is considered a public problem, and that there is general consent for a government solution.

Farm animals should be protected by state legislation to ensure that that they are treated humanely.	Count Choice
Strongly agree	54% - 181
Somewhat agree	36% - 122
Neither agree nor disagree	7% - 22
Somewhat disagree	2% - 7
Strongly disagree	1% - 4
	336

Cost of Farm Animal Welfare

Respondents were then asked to weigh in on the economic implications of farm animal welfare within the state. This question is relevant in both the problem and policy streams, as cost affects both public support and policy viability. Accordingly, these responses will perhaps influence the extent to which residents will support legislative action and, consequently, how likely it is that this issue will appear on the policy agenda. As it turns out, 21% of respondents strongly agreed that treating farm animals humanely will cost consumers more money, and 46% somewhat agreed. This provides that 67% of respondents felt that this brand of policy will yield an adverse economic impact. Regarding the remaining votes, only 10% were undecided. 19% of respondents did, however, somewhat disagree with this notion, but only 4% strongly disagreed; these results combine for a mere 23% of respondents who were relatively certain that welfare policies would not cost them more money, compared to 67% who believed the opposite.

At first glance, this suggests that Massachusetts residents may be apprehensive about endorsing farm animal welfare policies due to their economic implications. It could be assumed, then, that based on these sentiments, support for this type of policy will be lower going forward than it was in the previous question. Further, this potential roadblock could hinder the success of potential legislative solutions.

Farming practices that include the humane treatment of farm animals will cost consumers more money.	Count Choice
Strongly agree	21% - 71
Somewhat agree	46% - 153
Neither agree nor disagree	10% - 35
Somewhat disagree	19% - 65

Strongly disagree	4% - 12
	336

Paying for Farm Animal Welfare

Respondents were next asked a supplementary question addressing their willingness to “pay” for farm animal welfare policies in Massachusetts, should there be economic ramifications. This again brings attention to the extent to which this is considered a public problem, and more importantly, if this problem is so compelling that consumers would be willing to spend more on food products for the sake of enacting legislation. This question has policy-based implications, as well, as public sentiment toward increased costs may influence the scope of potential solutions.

These results, however, do not exactly coincide with those of the preceding question. Even when introduced to the potential economic effects of such legislation, 69% of respondents still supported these measures, with 33% reporting that they “strongly agree” with strengthening laws and 36% that they “somewhat agree”. 19% of respondents remained indifferent on the matter, 8% “somewhat” disagreed, and only 3% “strongly” disagreed. These responses were rather unexpected when taking into consideration how many respondents believed that consumers would be asked to pay more for certain goods; in spite of this, it appears that this sample felt inclined to support this cause regardless of its potential repercussions. Consequently, it can be assumed that the issue of farm animal welfare resonates rather strongly with Massachusetts residents, and that there is, in fact, a desire for government action.

The state of Massachusetts should enact tougher regulations on farm animal welfare, even if it means increasing meat and dairy prices.	Count Choice
Strongly agree	33% - 112

Somewhat agree	36% - 122
Neither agree nor disagree	19% - 64
Somewhat disagree	8% - 26
Strongly disagree	3% - 11
	335

Federal Legislation

The final survey question referred to respondents’ support for federal intervention within this policy area. This is perhaps the most determinative indicator in assessing how dire a public problem farm animal welfare is, as demanding the attention of the federal government indicates that this issue is so compelling that it should be addressed on the national scale instead of being left to the discretion of individual states²³. This implication would also result in a more complex job for policymakers, as they would need to craft legislation that is suitable for all states regardless of industry, economy, and constituency.

Notwithstanding these hindrances, 76% of respondents supported federal intervention. Furthermore, in this case, 40% reported that they “strongly agree” with the notion that the federal government should enforce these policies, indicating the most supported response. Closely following this is the “somewhat agree” category, which collected 36% of the votes. Next is the “neither agree nor disagree” option with 15% of respondents, then “somewhat disagree” with 6%, leaving “strongly disagree” with only 4%. Similar to the previous question, these responses show a consistent decrease in support when they transition toward opposing welfare policies. The data from this sample implies that Massachusetts residents give such attention toward the humane

²³While public opinion is critical, it should be noted that policy entrepreneurs and focus events also contribute to a problem reaching the attention of the federal government.

treatment of farm animals that they consider it a national concern, and while this is a single case study, this suggests that there is potential for equal support across state lines.

The federal government should play a role in enforcing farm animal welfare policies.	Count Choice
Strongly agree	40% - 133
Somewhat agree	36% - 120
Neither agree nor disagree	15% - 49
Somewhat disagree	6% - 21
Strongly disagree	4% - 12
	335

Cross-Tabulation Results

In acknowledging the demographics section of the survey, I sought to determine whether certain characteristics significantly influenced respondent data. There appeared, for example, to be a correlation between political beliefs and the level of support for welfare provisions, as 84% of respondents identified as either liberals or moderates (47% and 37%, respectively) and 78% identified as either Democrats or Independents (41% and 36%, respectively). However, as this was merely a speculation based on demographic totals and general levels of support, it was necessary to utilize more involved forms of statistical analysis determine if any correlations were in fact significant.

Using the data collection software Qualtrics, I created cross-tabulations to indicate if there was any statistical significance²⁴ between the above-mentioned demographics and support

²⁴Statistical significance refers to likelihood that a relationship between two or more variables is caused by something other than chance (null hypothesis). If the variables yield a probability value (P-value) of less than 0.1, then we can reject the null hypothesis and assume that there is a significant association between the variables.

for legislative action. Prior to analyzing the data, I anticipated factors such as political ideology, age, and income to affect respondents' answers. It can be seen in the results, however, that the only indicators that had any statistically significant impact on responses were gender, political ideology, and political party affiliation.

It is interesting to note the variance in support for different types of legislation within each demographic; for example, while the relationship between gender and support for Massachusetts legislation in spite of economic impacts was quite significant (P-value = 0.00), it was less so with regard to support for general, statewide legislation (P-value = 0.01), and not at all significant when referencing support for federal legislation (P-value = 0.37). Though I did not anticipate that gender would be a significant indicator, I was even more surprised that its significance was not comprehensive. This could be attributed to a number of factors, such as corresponding ideology, but the drastic distinction between the P-values for the support of both Massachusetts legislation and statewide legislation compared to that of federal legislation is nonetheless noteworthy.

Other indicators, however, were more predictable in their dispersion. Respondents' support for different levels of governmental interference was expectedly based on their political ideology and party; the correlation between ideology and federal intervention was, unsurprisingly, statistically significant (P-value = 0.00), as was the level of support for statewide legislation (P-value = 0.08). Further, there was statistical significance between ideology and support for Massachusetts legislation despite economic impacts (P-value = 0.03), as fiscal conservatism is a conventional indicator of ideology.

It is also worth noting that while ideology and political party typically align, there were some discrepancies between the two indicators' significance. The relationship between political

party and the role of the federal government was, in fact, statistically significant (P-value = 0.00). It was not, however, at all significant in either the case of support for statewide legislation (P-value = 0.34) or for that of Massachusetts legislation despite costs (P-value = 0.76). This perhaps exposes the general political climate within Massachusetts, as the state is widely leans toward the left, or liberal, end of the political spectrum. With this, it may be the case that in some instances, Republicans in Massachusetts are simply more moderate in their beliefs than their counterparts from other regions and are thus more inclined to support this type of legislation despite its economic implications.

This ultimately implies that this is a rather partisan issue, and within the context of Kingdon, this factor may compromise the policy area's viability on the national scale.

[See Appendix A for cross-tabulation results]

Conclusion

Though limited in scope, this survey nonetheless indicates that Massachusetts residents generally acknowledge farm animal welfare as a public issue, and, in assuming the context of Kingdon's model, that there is rather widespread support for governmental action within the industry. The farm industry is, however, considerably small within Massachusetts, and does not play as consequential a role in the state's economy as it does in, say, California²⁵. It is thus important to note that support for this type of policy may be so prominent among this sample because of its minimal economic impact; as this industry is no longer considered to be "mainstream" within the Commonwealth, residents may feel more inclined to push for reforms

²⁵According to the USDA, Massachusetts ranks 48 out of 50 with regard to state cash receipts for animal and animal products sold in 2017 (USDA², 2017).

that may have otherwise imposed more glaring burdens on both producers and consumers alike²⁶. Similar to the outlined policy matrices, this data sample highlights the disadvantages of a “one size fits all” policy solution within an industry that varies so widely across state lines. This is not, of course, an implication that the federal government should cease intervention to avoid damages, but rather an acknowledgement of the complexity of this issue on the national scale. Consequently, this should prompt more research into its magnitude in more farm-dense and perhaps conservative regions because, as further revealed by the policy matrices, the state of Massachusetts is by no stretch an anomaly in its regard for farm animal welfare.

²⁶In an interview with a member of the Massachusetts House of Representatives, it was discussed that the state has become more progressive in its approach to farm animal welfare in recent years due to the industry’s dwindling prominence within the state’s overall economy.

Chapter 4: Elite Interviews

Introduction

As the data from the survey was designed to gauge public opinion, I hoped to determine whether the perceptions of elected officials and industry elites are comparable to those of their constituents. This was also intended to provide some insight into whether there is a basic sense of concurrence within the realm of politics, as Kingdon emphasizes the importance of cohesion in the lawmaking process; though universal, bipartisan support is not inherently necessary, it does prove beneficial to have some semblance of alliance. I thus complemented the public survey with a series of interviews designed to evaluate the positions of local political elites and stakeholders within this area to establish whether there is a sense of agreement amongst those who influence policy.

Data and Methods

In preparation for this task, I drafted six questions addressing farm animal welfare in Massachusetts. These questions focused on respondents' perceptions of farm animal welfare within the state of Massachusetts, their constituents' views on farm animal welfare, the influence of interest groups in this discussion, their opinion on Massachusetts' 2016 Ballot Question 3 Initiative²⁷, the implementation of this Initiative, and whether economics affect public support for welfare policies. After receiving Bridgewater State University's Institutional Review Board's approval, I requested interviews with a total of 19 individuals who are either elected officials or stakeholders within the Massachusetts farming industry. Regarding the former, I selected my prospective interviewees based on the Ballot Question 3 voting records from each town in the state. As I hoped to gain insight on indicators that influenced these votes, it was my intent to

²⁷Ballot Question 3 refers to the 2016 initiative which was mentioned in the previous chapter. It was sponsored by Citizens for Farm Animal Protection.

speaking with representatives whose constituents voted the initiative down, approved the initiative by a slim margin, approved the initiative by a large margin, who represent low-income areas, and who represent Right to Farm communities. I consequently contacted 11 state legislators and 3 town officials based on these criteria. When contacting stakeholders, I sought out individuals who worked for industries dependent on farming and the agricultural community. This led me to reach out to a Massachusetts farm, the state Farm Bureau, a local branch of the USDA, the state Department of Agricultural Resources, and the Southeastern Massachusetts Agricultural Partnership.

I was able to secure interviews with a Massachusetts State Representative who represents one of the only towns in the state to vote the Initiative down, as well as a Selectman who represents a town with one of the largest Initiative approval ratings across the Commonwealth. I also conversed with an official from the Massachusetts Farm Bureau Association, a local United States Department of Agriculture employee, and an employee from the Massachusetts Department of Agricultural Resources to gain perspective from those invested in the farming industry. For most of these discussions, I traveled to locations across the state, visiting towns in Plymouth County, Worcester County, Suffolk County, and Berkshire County. One gentleman, however, submitted his responses via email.

Unfortunately, I was unable to conduct all the interviews I initially hoped for, but I did engage in compelling discussions with five individuals -- two elected officials and three stakeholders within the industry -- who provided insight on their unique perspectives of this issue within the state of Massachusetts.

[See Appendix B for full interview transcripts]

Interview Feedback

I first interviewed a state legislator who represents one of the three towns in Massachusetts to vote “no” on Ballot Question 3, and by this, express its discontent with the state government enforcing farm animal welfare policies. During our conversation, the representative was firm in his belief that both he and his constituents are “very socially conscious” and “would prefer to know [animal products] are made cruelty-free”. Where much of the problem lies, however, is within the realm of economics, as extensive and cruelty-free farming methods conventionally cause a rise in animal product prices. The representative took special note of this, claiming that “there’s a lot of poverty” in western Massachusetts. “Franklin and Berkshire are actually two of the poorest counties in the state,” he said, “and so I would say for people who might need assistance, for them [buying cruelty-free products] might be a problem.” Nonetheless, while he acknowledges the fiscal impacts of this brand of policy, the legislator was swift in affirming his belief that “you take those fights one step at a time” and “don’t oppose something sensible because of a perceived slippery slope.”

Further, as a sizeable portion of his constituency is made up of local farmers, he was sure to emphasize that it is not necessarily that Massachusetts residents oppose farm animal welfare, but rather that rural farmers “don’t like being told what to do by people who really live outside of their worldview.” He stated that some farmers, such as those who live in small farming communities, simply “feel that people that don’t understand their industry are dictating policy.” This sentiment appears to be prevalent in many different capacities, as there is often pushback against legislation not for its intent, but for its invasiveness in an apolitical environment.

This notion was also emphasized during my second interview in which I spoke with a director from the Massachusetts Farm Bureau Association. In referring to animal rights groups, he said, “in our mind, there are two of them out there -- there are the Boston people and there are

the people out in the field,” meaning that there are those who have been familiarized with the contours of the industry through experience and those who remain stationed in the city, pushing agendas and maximizing donations. Accordingly, this particular gentleman underscored the importance of a proper education within the context of public policy. “Don’t push your values on people -- go educate them,” he said, encouraging voters to assume an impartial and open-minded approach to public problems. He was also careful to note that not every campaign is genuine in its efforts, whether it is fighting on behalf of animal welfare or farmers’ rights; he accordingly lamented the effects of lobbies that distort facts for the sake of their cause, as individuals who are trying to establish well-informed positions often find themselves caught in the crossfire of combatting parties. Acknowledging that eating livestock is “not really something that’s nice,” he pushes to “educate people about how meat is grown and that sort of thing, so they can make an informed choice.” There are problems, however, when certain industries “get into the policy arena and become disingenuous, [making it] very hard for the consumer to know what’s going on.” With this, he encouraged a detachment from appeals to pathos and a commitment to logic and reasoning. “This was not an issue in Massachusetts,” he said, but campaigns that depicted the gross mistreatment of animals in midwestern factory farms were construed as if they were local offenses, thus prompting public outrage. He assured that the state of Massachusetts has not practiced using veal crates for 25 years, has not used gestation crates for at least 20, and that there is only one battery cage operation that has downsized significantly over recent years.

A gentleman from the Massachusetts Department of Agricultural Resources Division of Animal Health agreed with this observation, sharing that “the recent ballot initiative targeted farming practices that generally were not in use here in Massachusetts,” and that “the

Department was only aware of one farm that would have to upgrade their facility to meet the requirements imposed by the law.”

It could then, perhaps, be argued that because it is “not an issue” in the Commonwealth, enacting legislation should not be detrimental to in-state agricultural operations. The Mass Farm Bureau employee, however, affirmed that these regulations will be burdensome on farmers regardless, as they have not been duly influenced by industry experts. He went on to accentuate the role of animal rights groups in the passage of this initiative, but cited less than genuine forces behind it:

[Animal rights groups] were pushing this ballot initiative in Massachusetts to raise money, because we have a relatively well-to-do state with a lot of pet owners, and they were using it to basically push their agenda in other states, so they can go into Iowa and say “well, eight states banned this,” and that sort of thing.

He continued to emphasize the role of fundraising in this particular conversation, stating that the animal rights organizations have a far vaster supply of resources than the agricultural community, and that accordingly gives them more clout in larger-scale policy debates. He noted that his association has been pushing to establish a Livestock Care and Standards Board to “address these things”, and that it would consist of two local humane organizations, the Mass Veterinary Medical Association, a livestock veterinarian, Tufts Veterinary personnel, and then several farm organizations “including NOFA, the organic folks, which have higher standards than even a lot of the state laws.” This, he argued, would allow for a more comprehensive approach, as there would be industry and medical experts as well as representatives from humane societies to help propose well-balanced legislative solutions. Nonetheless, the larger animal rights groups -- such as the Humane Society and the Society for the Prevention of Cruelty to Animals -- opposed this measure, citing the failures of Boards in other states. He disputed this reasoning, and instead asserted that this opposition stemmed from his association “taking

fundraising” and attempting to actually solve problems, two efforts that would ultimately compromise the humane groups’ public role. This ties in with his idea that animal welfare efforts have “become misguided and off-track,” as they are not “focused so much on actually improving the welfare of animals as [they are] on addressing political issues.” He thus believes that this policy is, like so many others, has been politicized to the point where intent is blurred, and the primary objective becomes maximizing an industry's influence.

He went on to say that, when discussing the quality of legislation within the context of animal welfare, “most consumers frankly don’t know [about the animals]” and what is either beneficial or detrimental to their well-being. A regional USDA employee found truth in this notion, as well, asserting that it is the farmers who know their animals best, and it is important to recognize that it is also in their own best interest to ensure that the animals well-cared for. He also voiced concern over the role of animal welfare organizations within this discussion, sharing that some groups may start initiatives like Ballot Question 3 to gain political momentum and pursue larger items on their agenda. This suggests that this ballot initiative may have been the most practical first step in a larger attempt to address farm animal welfare as a whole; this may then imply that this was a mere, disingenuous attempt at establishing clout -- bolstering the claims of some interviewees --, but likewise, the contrary cannot be ruled out.

Similar sentiments were expressed when interviewing a Selectman from a town in Berkshire County. Though he strongly supports animal welfare laws -- he noted prior to the start of the interview that he publicly backed Ballot Question 3 two years ago --, his reservations regarding public votes within this sector were clear. While this is not to say that either of these officials disagrees with more direct forms of democracy, it is implying that it is difficult to truly assess the strength of a policy solution within this setting. The Selectman went on to explain that

voters have essentially been expected to become experts in certain policy areas or industries, and that it is unrealistic to expect individuals who may have no experience in these areas to cast a fully-informed vote. Further, he noted the role of voter disconnect, which he described as acknowledging either the cost of the solution or the target of the solution. He believes that they are “not weighing the two and saying, ‘Is it worth it?’” but that they are instead “looking one at a time.” The Selectman was certain in recognizing that regarding this particular initiative, “just judging by the vote, [the voters] obviously decided it was worth it,” but he was unconvinced that this was due to the public endorsing the policy in its entirety. “I don’t think that was really what was going on,” he said when referring to the widespread support for the Initiative. “I think they thought, ‘Oh, animals!’”

Again, the Selectman was adamant in his favor of farm animal protection and enforcement; he was clear in his position that within the state of Massachusetts, he did not feel that the Initiative was “restrictive enough to have any concerns,” and in response to the minute number of industry workers being forced to adjust their traditional practices, he added, “perhaps, [they] should be treating animals differently.” Rather, his hesitation stems from the structure of ballot initiatives. Instead of having lawmakers debate, consult, and go through revision processes, we have one policy solution being presented to the people, who often go into the booths with a disconnect between policy intent and policy impact. Further, because interest groups need only secure support from a majority of the state’s constituents, they may be more likely to appeal to pathos as opposed to practicality. This is not to imply that the public is inept in its ability to comprehend policy and make challenging decisions, but rather that there are intricacies within certain industries that call for more consideration than advertised. This, the Selectman argued, is why we have industry specialists who inform lawmakers in their regular

order procedures. He went on to liken this situation to that of Ballot Question 1 this past election cycle, as residents were asked to vote on safe patient limits for Massachusetts hospitals. Both sides assured voters that they represented what nurses really wanted, and it was thus left to the public to determine which of the two was sounder in their reasoning. He argued that “both sides are able to appeal to emotions,” leading him to believe that this is not a decision “voters ought to make.” He was clear in his belief that “nobody is saying, ‘let’s kill animals,’” but he nonetheless showed concern over the people “connecting” ethics with economics. “Obviously everyone wants to treat animals well and obviously everybody wants their food to be as least expensive as possible, but it’s where that divide is,” he said, noting the complexity of the issue at hand. Thus, while he is a strong proponent for animal welfare, he remained equally adamant in his stance that policies with such potential should instead be left to the discretion of industry experts. In concluding this particular discussion, he added that, “as a voter, I can have a preference in how animals are treated, but that doesn’t mean I have any understanding at all on what it takes to put an egg on the table.”

When asked about whether their constituents would be willing to “pay” for farm animal welfare, both the Farm Bureau representative and the Selectman shared their uncertainties. The former said that he believes there is “a small number of consumers who will pay for extreme protection of farm animals, which is what [is being pushed].” He is more confident that there is “a larger group of consumers who just want to make sure that they’re reasonably well-cared for,” but they do not necessarily demand certification of the treatment. In referring to this group, he said there is “a big group in the middle, who, if you pull them, will say yes, they care, but when it comes down to it, you know, they need new tires on the car, tuition is due, the mortgage is due, and ‘I’m too busy to worry about this, and this is 99 cents a dozen, I’m going to get those

[eggs].” Further, he emphasized that "you can go into any supermarket now and buy free-range, cage-free, or caged, and you can look at the price difference. So, people already have this choice.” The USDA employee expressed similar concern over growing food prices, asserting that the Commonwealth should be wary in passing such laws for the sake of lower-income individuals who may already struggle with buying food. The Selectman also echoed this in saying that he thinks “consumers would say, ‘this is important’, but then they’re also going to complain that their eggs are too expensive,” thus tracing back to his comments regarding disconnect amongst voters.

He did add, however, that he believes his community voted so overwhelmingly in favor of the Initiative because of its affluence and culture²⁸. So, in an area where residents are less burdened by the cost of food, it may also be assumed that they would be more willing to support a measure despite the potential economic ramifications. “I would like to say that we don’t care if it will make our food cost more, but the bottom line is it won’t in our community,” he said. It is, accordingly, more likely that his constituents would support something like this because the town’s “economy is based on this kind of food.”

Similarly, while it is “not yet clear how significant of an increase we’ll see in retail prices as a result of the ballot question,” the representative from the Massachusetts Department of Agricultural Resources noted that “‘cage free’ eggs and other higher priced ‘organic’ options seem to be doing quite well here in the Commonwealth.” It can be assumed, consequently, that “some portion of [Massachusetts] consumers are willing to pay” for more stringent farm animal welfare laws.

Conclusion

²⁸The Selectman noted that his town has a rather esteemed reputation for its locally sourced food, which is typically more expensive than imported products.

In placing these discussions within the context of Kingdon's theory, I would assume that because of the overwhelming public support, legislators may feel more compelled to craft a more practical solution to this problem. I do not, however, feel that there is enough cohesion amongst these officials and stakeholders to create an environment in which we could expect definitive change; as the opinions of political and industry elites are determinants of public policy, in observing their role in influencing legislation, it can be assumed that substantial discord would hinder the lawmaking process. We see, for example, many cases in which there is a defined policy goal, but there is conflict over what is the proper and most feasible approach to achieving that specific outcome. This ultimately compromises the likelihood of passing legislation, as debates over economics, ethics, and governmental scope often result in partisan gridlock.

Within this context, it appears there is relative consensus that farm animal welfare is a public issue; where there was disconnect, however, was in the attention to this problem, as some interviewees stood behind Massachusetts' Ballot Question 3 and others viewed it as an infringement on the state's farming communities. Consequently, it must again be taken into consideration the nature of this law, as it was approved through the initiative process and not through regular order in the state legislature. This policy was neither influenced by industry elites nor debated amongst legislators, so while voters may approve of the paper version of the law, experts have been more equipped to acknowledge its shortcomings.

This range of opinions was seen in a state that is scarcely dependent on agriculture. It can thus be assumed that, if this issue were brought to the national agenda, there would be considerable backlash not only from stakeholders in the farm animal industry, but from legislators who represent states heavily influenced by this brand of agriculture, as well. I do, of course, acknowledge that public opinion may affect the actions of political elites, but I believe

that, as noted in the previous chapter, the influence of this industry varies too greatly across state lines to secure enough widespread and bipartisan support to effect substantial change.

Conclusion

As farm animal welfare remains a rather understudied area within American politics, it has rarely made its way to the forefront of federal policy discussions. It is true that, as mentioned in Chapter 2, several states have approved legislation, regulations, or ballot initiatives addressing issues of farm animal welfare, but feedback has suggested that voters and lawmakers alike should be wary of the economic repercussions of this brand of policy. The scope of these particular laws, however, is limited to confinement regulations, and while this is undoubtedly a progressive step, nothing in recent years has amended existing humane handling statutes. It may be, then, that the most practical approach to addressing farm animal welfare comprehensively is to first tackle more defined issues such as confinement; as individual states continue to take initiative and craft their own policies remedying this point, less inclined states may become to feel more compelled to follow suit, especially if there is support from their constituencies.

Within this context, the examination of Massachusetts' Ballot Question 3 revealed that stakeholders and political elites were rather apprehensive regarding the economic implications of their state's initiative. It is worth noting, however, that 11 other states have enacted similar laws. California (4), Colorado (12), Ohio (19), Kentucky (23), and Washington (25), for example, are all ranked in the USDA's top 25 for the highest per state amount of cash receipts for animal products, yet each of these states has enacted its own set of laws that phase out cruel methods of farm animal confinement (USDA, 2017). This brings light to the possibility that other states with prominent agricultural sectors may start to endorse more humane practices. Further, in considering the range of political leanings from these states, it can be assumed that this issue is

not entirely partisan²⁹, and that the economic disadvantages may be controlled to gain more widespread support.

It is equally critical to note the role of public opinion within this discussion, as the Massachusetts case study shows that constituent support for this sort of policy appears to have exceeded that of elected officials. These survey respondents generally supported farm animal welfare provisions despite the potential economic ramifications, a sentiment that was scarcely present in the interviews. With this, it is relevant to mention that, as expressed in the interviews, Massachusetts is a “relatively well-to-do state” and that pricier food options have seemed to do quite well across the board; this ultimately compromises the applicability of this type of legislation in other areas, as economies, just as industries and ideologies, vary widely from state to state.

This again brings focus to the ballot initiative process, as it is perhaps that certain policies, such as those in California and Massachusetts, have been spearheaded not by legislators, but rather by interest groups and voters, ultimately compromising their viability in their respective states; these two policies, for example, include provisions banning the sale of animal products produced in conditions not conducive to their regulations, which has both affected sales and prompted civil lawsuits based on interstate commerce laws. It is thus worth investigating the implications from the remaining states’ legislation, as they may provide less invasive solutions to this problem. Consequently, while the previous two chapters implied that comparable measures would not be well-received on the national scale due to their economic impact, it may be that more primed forms of legislation would, in fact, be feasible.

²⁹I have acknowledged that states will not inherently support national legislation simply because its intent aligns with their own policies, as those that are more conservative may resist federal intervention on principle alone. However, within this context, I believe that so long as the federal policy does not exceed the scope of their own legislation, support would not dwindle because of ideology.

In the broader discussion of farm animal welfare, however, the crux of the issue seems to be the weak enforcement of federal humane handling laws. As described in the first chapter, the Food Safety and Inspection Service appears to be quite laggard in this area, as countless slaughterhouses and processing plants have been found in violation of the Humane Methods of Slaughter Act but most have yet to suffer lasting consequences; these facilities function on the condition of maximizing profit, and it is not always in their best economic interest to be mindful of the comfort of the animals. This, according to a few of the Massachusetts interviewees, is rarely the case outside of corporate sector of farming. Yet, as previously noted, Blood and Sons, Inc.³⁰, a family-owned slaughter and processing facility located in West Groton, Massachusetts has an extensive record with the FSIS, collecting four citations for egregious violations of the HMSA just in the past year. This magnifies the proximity of this issue, as the mistreatment of these animals is present even in a community where factory farming is nonexistent. Federal inspection standards must then either be reevaluated for their effectiveness or enforced with higher conviction. It appears, however, that the factory farm industry and the USDA alike resist strengthening existing enforcements due to the adverse economic implications that would result from more stringent laws.

In placing this particular issue within the context of John Kingdon's *Multiple Streams Theory*, it does not appear that there is any prospect of reform. The USDA is continuing to endorse more intensive methods of production³¹ with no signs of relenting, and if recurring incidents of cruelty do not indicate a demand for legislative action, then it is unclear what will.

³⁰These violations were mentioned in the first chapter under the section titled *Food Safety and Inspection Service*.

³¹The New Swine Slaughter Inspection System is still being endorsed, and facilities are continuing to operate under HIMP.

The State MPI programs³² may, perhaps, offer an alternative to these insufficient federal policies, but redefining these inspection programs would demand an exorbitant amount of resources that would likely render it infeasible. Further, as previously delineated, the motivating factor behind this industry is undoubtedly money; this was made abundantly clear through Ted Genoways' journalism, as he wrote that adequately enforcing policy slowed production, and it was understood amongst factory workers that "the chain" never stops (Genoways, 2015, p. 33). This sentiment brings attention to the unhealthy demands of the factory farm industry, but by way of its influence on both the United States economy³³ and consumers, a reevaluation of its structure does not appear probable.

Further, in addition to the fact there is no evidence that this issue is idling, so to speak, as a public problem on the political agenda, there does not appear to be an example of an alternative policy solution to serve as a remedy. This compromises its viability as a candidate for reform, as Kingdon's theory requires that, in order to ensure that the three streams align, a piece of model legislation exist in modern practice.

It is also rather difficult to determine if the nation's political climate would prove suitable for this sort of reform. Within the context of farm animal confinement, public opinion was vastly dependent on political ideology and party affiliation, as these two demographics proved to be statistically significant regarding the role of the federal government in the enforcement of policy. It can, however, be seen through the examples of states that endorse confinement laws that political beliefs may not be entirely determinative in this policy area. It may be that this yields acceptable conditions for this type of policy, but it must also be acknowledged that this is not so

³²State MPI programs were mentioned in first chapter.

³³In 2015, American farms attributed 1% to the United States GDP -- a sum of \$136.7 billion dollars (USDA¹, 2017).

compelling a circumstance that legislative solutions are in order. With this, it does not appear as though the United States is currently on track for such action, as the absence of both a sense of urgency to address this issue and a feasible policy solution ultimately defers a shift in federal legislation.

Kingdon's theory intends to provide a framework through which policy ideas translate into viable solutions on the political agenda, and how certain indicators influence their enactment into law. While this model has proven reliable within the context of the American political system, it may also be that select policies may not fit cleanly into its mold, thus prompting compromise in the legislative arena. This study on farm animal welfare has provided that, while two of the three streams are not activated quite clearly enough to prompt substantial change, policy boasting a narrower scope may nonetheless be feasible. Kingdon has therefore provided a structure through which we may understand the intricacies of public policy, ultimately allowing us to recognize and act upon indicators suggesting legislative action.

Future Research

Future work within this policy area should consist of an extension of the policy matrices included in this project. As there are 12 states across the nation that enforce their own farm animal confinement laws, each policy should be examined for its ability to inform subsequent legislation. There should also be an analysis on the prospective effects of reforming HIMP programs. This would include observing how lowering slaughter quotas and maximizing FSIS presence in slaughtering facilities impact the number of humane handling violations in facilities operating under this program. Further, it is worth exploring the potential ramifications, both economic and production-based, of increasing the penalties for violations of the Humane Methods of Slaughter Act and the 28 Hour Law. This refers to suspensions, fines, and other forms of penalty that may further disincentivize the mistreatment of animals. Lastly, though this is a highly researched topic in contemporary society, there is incredible significance in recognizing the impacts factory farming has on the environment and sustainability within the United States. Collecting this information may, in turn, introduce new solutions to lessen the ecological footprint of this practice.

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Appendices

Appendix A

Percentages have been rounded.

(Political Ideology)

		Thinking about your political views, would you say you are...			
		Conservative	Moderate	Liberal	Total
Farm animals should be protected by state legislation to ensure that that they are treated humanely.	Strongly agree	16% - 29	31% - 57	52% - 95	181
	Somewhat agree	15% - 18	40% - 47	44% - 52	117
	Neither agree nor disagree	23% - 5	59% - 13	18% - 4	22
	Somewhat disagree	29% - 2	57% - 4	14% - 1	7
	Strongly disagree	25% - 1	25% - 1	50% - 2	4
	Total	55	122	154	331
Farm animals should be protected by state legislation to ensure that that they are treated humanely.				Thinking about your political views, would you say you are...	
		P-value		0.08	

		Thinking about your political views, would you say you are...			
		Conservative	Moderate	Liberal	Total
The state of Massachusetts should enact tougher regulations on farm animal welfare, even if it means increasing meat and dairy prices.	Strongly agree	11% - 12	35% - 39	54% - 61	112
	Somewhat agree	16% - 19	34% - 41	50% - 61	121
	Neither agree nor disagree	23% - 14	44% - 27	34% - 21	62
	Somewhat disagree	25% - 6	33% - 8	42% - 10	24
	Strongly disagree	36% - 4	55% - 6	9% - 1	11
	Total	55	121	154	330
The state of Massachusetts should enact tougher regulations on farm animal welfare, even if it means increasing meat and dairy prices.				Thinking about your political views, would you say you are...	
		P-value		0.03	

		Thinking about your political views, would you say you are...			
		Conservative	Moderate	Liberal	Total
The federal government should play a role in enforcing farm animal welfare policies.	Strongly agree	12% - 16	28% - 37	60% - 80	133
	Somewhat agree	17% - 20	36% - 41	48% - 56	117
	Neither agree nor disagree	23% - 11	52% - 25	25% - 12	48
	Somewhat disagree	19% - 4	52% - 11	29% - 6	21
	Strongly disagree	33% - 4	67% - 8	0% - 0	12
	Total	55	122	154	331
The federal government should play a role in enforcing farm animal welfare policies.				Thinking about your political views, would you say you are...	
		P-value		0.00	

(Political Party Affiliation)

		Thinking about yourself, would you say you are...				
		Democrat	Independent	Republican	No Party Identification/ Not Listed	Total
The federal government should play a role in enforcing farm animal welfare policies.	Strongly agree	50% - 66	29% - 38	11% - 15	9% - 12	131
	Somewhat agree	44% - 53	31% - 37	13% - 15	13% - 15	120
	Neither agree nor disagree	21% - 10	56% - 27	10% - 5	13% - 6	48
	Somewhat disagree	29% - 6	48% - 10	10% - 2	14% - 3	21
	Strongly disagree	0% - 0	50% - 6	33% - 4	17% - 2	12
	Total	135	118	41	38	332
The federal government should play a role in enforcing farm animal welfare policies.					Thinking about yourself, would you say you are...	
		P-value			0.00	

(Sex)

		What is your sex?			
		Male	Female	Other	Total
Farm animals should be protected by state legislation to ensure that	Strongly agree	41% - 74	59% - 107	0% - 0	181
	Somewhat agree	60% - 72	40% - 49	0% - 0	121

they are treated humanely.	Neither agree nor disagree	68% - 15	32% - 7	0% - 0	22
	Somewhat disagree	86% - 6	14% - 1	0% - 0	7
	Strongly disagree	100% - 4	0% - 0	0% - 0	4
	Total	171	164	0	335
Farm animals should be protected by state legislation to ensure that they are treated humanely.			What is your sex?		
	P-value		0.01		

		What is your sex?			
		Male	Female	Other	Total
The state of Massachusetts should enact tougher regulations on farm animal welfare, even if it means increasing meat and dairy prices.	Strongly agree	35% - 39	65% - 73	0% - 0	112
	Somewhat agree	56% - 68	44% - 53	0% - 0	121
	Neither agree nor disagree	61% - 39	39% - 25	0% - 0	64
	Somewhat disagree	54% - 14	46% - 12	0% - 0	26
	Strongly disagree	91% - 10	9% - 1	0% - 0	11
	Total	170	164	0	334
The state of Massachusetts should enact tougher regulations on farm animal welfare, even if it means increasing meat and dairy prices.			What is your sex?		
	P-value		0.00		

Appendix B

Member, Massachusetts House of Representatives 7/28/2018

1. How do you view farm animal welfare policy in Massachusetts?

Yeah, I would say because we are a state where farmland and farmers are not, I think, thought of as mainstream industries anymore, that animal welfare policy is actually very forward-thinking, very progressive, very friendly to animals in making sure they're treated properly, which probably isn't the case in a lot of states, in other parts of the country.

2. How do you think your constituents view farm animal welfare policies in the Commonwealth?

Yeah, I think there's actually a really big mix in my district - my district would probably be one of the few areas in the state where it's like this. There are a lot of people that are very happy with how far-reaching some of the policies we make are; I have several constituents that are very active in animal rights and activities that contact me pretty regularly, and the central topic is not necessarily farm, but we pass legislation for domesticated animals, that kind of thing. And then conversely, though, because I do have farmers and dairy farmers and stuff, you have people that, farmers, I would certainly say are ahead of the curve than the rest of the country and the rest of the world in terms of protecting animals, but still don't like the government telling them what to do, that kind of thing. So I think you have a little bit of backlash. I would say, I know it's a future question, one of the only areas in the state where the animal welfare ballot question two years ago, I think, got a lot of pushback, was out where I am.

Specifically, Wendell hosts one of the only farms - that was one of the few questions where people were actively talking like, "no on question 3".

They are nice, they just don't like being told -- they feel that people that don't understand their industry are dictating policy.

3. Have any groups reached out to you about farm animal welfare policies, and what messages have they had for you?

Yeah, locally, there's the Farm Bureau of Franklin County, there's the Farm Bureau of Berkshire County, there's the New England Farmers Union, and then statewide, the Farm Bureau, has, obviously, they have the statewide component, the Massachusetts Association of Dairy Farmers has a statewide component, the MSPCA, the Humane Society; I've had both ends.

4. What is your opinion on the recent ballot initiative concerning farm animal welfare?

I view Question 3 the way I explained it. It makes sense as a policy in a state like Massachusetts, but I also understand why the people on the farms are afraid that the scope could keep

expanding. To me, you take those fights one step at a time though, and don't oppose something sensible because of a perceived slippery slope.

If you're looking for a more philosophical or ideological commentary, I would say treating animals humanely and with respect is good policy and I support that for sure. I also understand the concerns of rural farmers who don't like being told what to do by people who really live outside of their worldview.

5. What steps, if any, have you seen being taken on policy design or implementation around that ballot initiative? Do you think this process is different from others? Why or why not?

Yeah, I have. The thing is, the only farm left was Diemand, yeah, and so I believe they'll be in compliance, and if they aren't already, they will be soon. I think they are.

They had a contract, so beyond the ballot question they were the supplier of eggs to UMass Amherst, and so there was a move to boycott them if they didn't get rid of cages, so I believe they did that so because they didn't want to lose that contract.

6. Do you think consumers are willing to "pay" for animal welfare? Why or why not?

Yeah, I think there is, and I think especially out where I am, there's a movement for locally grown, free range, organic - people are very socially conscious, and so where people are already willing to pay for, say, local milk, I certainly think they would be very willing to pay for our animals not to be mistreated, that the products I'm drinking were made cruelty-free, yeah, definitely. But that being said, though, there's a lot of poverty. Franklin and Berkshire are actually two of the poorest counties in the state, and so I would say for people who might need assistance, for them it might be a problem. And I think a lot of them would prefer to know these things are made cruelty-free, but I think where they probably don't have a choice, yeah, they'll be pretty stuck.

Employee, Massachusetts Farm Bureau Federation 9/14/2018

1. How do you view farm animal welfare policy in Massachusetts?

I think it's become misguided and off-track, I don't think it's focused so much on actually improving the welfare of animals as it is on addressing political issues, and I can give examples if you want. I mean, you can look at the recent ballot initiative, and you know we only have one farm in the entire state that was impacted by that: Diemand Farm. They had, I think they had 3,000 birds. We estimated how much the advocates paid for that, and divided by the number of birds, and we paid more per chicken, for that, than we did for a kid's education in Massachusetts for an entire year. The downside of it, also, was that it gave farms here a bad name because people, reasonably, when they heard some of the advocacy stuff -- and some of them outright lied who were promoting this -- assume that Massachusetts farms are doing this, and it kind of gave farmers a black eye, which is one of our big concerns with this. If you look at some of the

legislation that has been filed recently, we have legislation that would basically require three-sided shelter for all animals. We had addressed this issue; MSPCA came to us, we met with Tufts, Mass Veterinary Medical Association, State Veterinarian, as well as MSPCA talked about this several years ago, and really, we all came to the conclusion that it really depends on the age, the condition, and the needs and the species of animal. You know, if you've got Highland cattle, they can be out in the snow. If you've got a Nubian goat, they can't. They deserve, or they may need more or less shelter than three-sided animals. You had MSCPA that filed and pushed heavily this legislation this year, and when asked why, they said "well we can't really get inspectors who are knowledgeable with agriculture, so we need a real simple solution." So that means, in some cases, farmers are going to spending money they don't need to spend for these three-sided shelters, and in other cases it's not going to be enough for some species which need more than that, and it's not going to be enforceable. So, I honestly think that most of our policies, at least around farm animals, aren't being directed by the needs of the animals, so the welfare of the animals; it's more the needs of animal welfare groups, politics, and fundraising.

2. How do you think your constituents view farm animal welfare policies in the Commonwealth?

So, my constituents are mainly farmers in Massachusetts. I mean we've got a little bit of a divide in the agricultural community, where some folks, some of our members, and some folks in the agricultural community view very strongly in protections. Most of them are newer, smaller farmers who do a lot of direct sales. You know, we oppose the ballot initiative, for instance, and we have 6,000 members. HSUS (Humane Society of the United States), who I really dislike because they have nothing to do with Massachusetts, came in and they pulled together like, 100 farmers. None of them are large-scale farmers, all of them were small-scale farmers who supported this, and they said, "oh you don't have to do this, you know we don't do this", well they're charging \$13 a pound for bacon. You know, so for your business model it might work, but most people can't afford to do that. So, some of the practices which they don't like really are going to drastically increase the cost of food. And, you know, I could argue that keeping farm animals at all for meat is inhumane, right? I mean, you keep this animal, you raise it, and then you kill it and process it. So, you want to take an extreme view of that -- and they're bumping up against that view --, and there's a lot of suspicion among some of my members that that's where they're really going, is that they want to get rid of meat -- I don't know if that's true or not. I think we've reached a point where we've failed to distinguish between overt cruelty, where you beat an animal, don't feed it, and you neglect it, versus "this is how you raise animals for food" - they're not in pain and they're not in discomfort. So, we're talking cruelty and neglect versus quality of life, and I'm not sure we're distinguishing between those two. I know the advocates aren't. I think many of my members are frustrated by that. They feel victimized by a lot of the advocate groups. Like we said, we haven't had veal crates for 25 years; we haven't had gestation crates for 20 years, at least; we only have one battery cage operation, and when they show the pictures on the cruelty, it's these things in the Midwest where they have four to five million birds. We had 3,000. It's not the same. But, they're using them as basically a fulcrum to push their political agenda in other states and to build fundraising. They feel victimized, and they don't feel like people understand them or are listening to them, or really addressing the needs of the animals. Most of them feel like they are doing better by the animals than the MSPCA policy people are.

3. Have any groups reached out to you about farm animal welfare policies, and what messages have they had for you?

It's not necessarily them reaching out to us, I mean, we work pretty closely with the Mass Veterinary Medical Association, as well as Tufts Veterinary Medical, as well as other livestock groups, so we have small, commodity groups: sheep producers, dairymen, and that sort of thing. We actually filed legislation, which they all supported, which actually would have established a Livestock Care and Standards Board to address these things. It would have had two local humane organizations, it would have had Mass Veterinary Medical Association, a livestock veterinarian, and Tufts, and then several farm organizations including NOFA, the organic folks, which have higher standards than even a lot of the state laws. Despite having MVMA, Tufts, and the farm organizations, MSPCA, Animal Rescue League and HSUS vehemently oppose this. Frankly I think it's because we were taking fundraising, you know, we would have actually solved problems, and then they wouldn't have been able to scream about things and raise money. You know, they point to other states where they've had these Livestock Care and Standards Boards, like Ohio, and I agree with them -- Ohio is really imbalanced. There's like one veterinarian on there, there are no humane groups, and that's not what we want. Most of my members sell directly to the consumer, so we need something that's credible, but we need something that's practical and rational, as well. So, we suggested MSPCA and Animal Rescue League on there. But "oh, there are too many farm groups on there". But when they were pushing their legislation and pushing this ballot initiative, they said "lots of farms support this" -- it's like, okay, which is it? There's nothing to say one of those farms isn't on there, you're just assuming. So, I think it's disingenuous, but when you talk to the people who actually deal with animals and professionals, and really know something about the science of it, and are dealing less with public relations and more with actually taking care of animals, they're all on the same side we are -- but we don't have anywhere near the money they do. And it's an emotional topic; it's easy, especially in Massachusetts, where most people, their view of animals comes from their dog or their cat. Like I said, you're raising and processing an animal for food -- people go aghast when they think of Fluffy. They take advantage of that. So, in the PR battle, we're never going to win, and in the money battle, we're never going to win, so we're not winning.

I understand why people why people are opposed to meat. I raise livestock, I have pets; I know why, I can see it. The same reason why I see people oppose abortion. It's not really something that's nice. It's really a value judgement on whether you think the benefits outweigh the bad parts of it. So, if you don't want to have an abortion, don't have one. If you don't want to eat meat, don't eat meat. Educate people about how meat is grown and that sort of thing, so they can make an informed choice -- I'm cool with that. It's just when they get into the policy arena and become disingenuous -- and both sides are disingenuous, not us but a lot of the meat groups --, it's very hard for the consumer to know what's going on. I liken it, again, to the abortion debate. I understand both sides of it, and usually when the society is that divided, you leave it up to the individual and try to educate them. Don't try to push legislation that favors -- you know, "oh, 51% want it and 49% don't, so we're going to win the battle this time until the Democrats and the Republicans get in, then it's going to flip. Abortion is a much bigger issue, but it's very similar in my mind where it's like, this is really a value judgement; don't push your values on people -- go educate them. We're really trying to use legislation, I think, to push values on

people. The advocates, mainly on the humane folks' side, I would say, but to a large extent, also on the larger agriculture side, are really misleading people, and people get confused.

4. What is your opinion on the recent ballot initiative concerning farm animal welfare?

So, very similar. My personal opinion is this was not an issue in Massachusetts. We had one farm, they had 3,000 birds, they were pushing this ballot initiative in Massachusetts to raise money, because we have a relatively well-to-do state with a lot of pet owners, and they were using it to basically push their agenda in other states, so they can go into Iowa and say "well, eight states banned this," and that sort of thing. So, I think it was really disingenuous and kind of slimy. The other thing I'd add to that is they completely ignored the cost of food. So, you know egg production is an easy thing. I have a flock on free-range birds -- it's more of a hobby, my daughter does 4-H. There's no way I can make money on this. I pay more raising those birds -- I mean, every day is an Easter egg hunt at my house. We have to go looking for these eggs all over the place. I couldn't pay somebody to do that; it wouldn't be cost-effective. The eggs wouldn't be fresh -- I'd find them three days later in the corner somewhere. There are food safety issues. So, I think they're ignoring a lot of the practical aspects when they're promoting certain types of agriculture, and I think that's what leads a lot of my members -- they call it the vegan agenda. I don't know if there's a vegan agenda, I suspect there are people who do have that agenda. I don't know if the HSUS and MSCPA are really thinking down the road, I don't know what's in their hearts and minds. But it's really disingenuous, and they've ignored that whole part of it. They came out and said "well, the cost of eggs, without battery caged hens, will raise by a penny an egg." That's BS. It's going to raise much more than that. And the other thing they ignored: you can go into any supermarket now and buy free-range, cage-free, or caged, and you can look at the price difference. So, people already have this choice. At some point, especially on the divisive issues -- not just humane, but abortion, name anything else that the Democrats and Republicans are fighting about right now --, it's like society has got to come together on these things. Where we clearly aren't together, educate people and give them a choice. But again, I think they're just doing the same thing the pro-life people do. I view them the same as I view the pro-life people; they're just pushing their values on everybody else.

5. What steps, if any, have you seen being taken on policy design or implementation around that ballot initiative? Do you think this process is different from others? Why or why not?

I haven't seen anything yet. I mean, there's not much work to do -- there's only one farm, and we've talked to the Diemands and they're going to close down before then. They've diversified, and they're actively diversifying. What doesn't come out is a lot of the food safety stuff. They used to have 14,000 birds and they went to 3,000 birds because some of the food safety requirements are very onerous on small and medium-sized farms, so they were moving that way, anyway. But it is kind of sad. What I have seen happening out of state, there's an element of that ballot initiative that said you can't have any veal, pork, or eggs from out of state that was raised in conditions that don't meet the letter of that law. One, there's no enforcement. There's no way to know that. And two, it's going to be challenged. There's already a challenge in work to basically say that it violates interstate commerce, which I think will prevail.

California went through the same thing in 2008.

No, they're still going. It's all part of a class-action suit. Some of the attorneys general from the mid-western states challenged it and they didn't have standing. So, some of the food companies are coming back and they're going to challenge Massachusetts, California, and I think there's another one. So, they're challenging it on the interstate commerce clause, and I think they'll prevail. It's, in my mind, a pretty clear violation of the interstate commerce clause. And, it's unenforceable. How are you going to do it? I mean the Attorney General doesn't have the staff. Even if there was documentation that could show this, that it came from some place -- which doesn't exist --, there's no nationwide certification system that say can say this farm came from this one and they have no certification. That's what you would need to start on this. There would need to be someone going into the stores in Massachusetts saying "okay, this is from Mitchell Farms in Colorado and, oh geez, they're not certified." And I'd turn around, as Mitchell Farms, and say "I didn't want to get certified, but I meet the standards. Prove me wrong." The AG isn't going to fly somebody out there, you know? So, it's unenforceable, more than anything. So that's the only thing I've seen really happening, and I think the Diemands are looking and saying that this is not that big a part of their business, they've been diversifying anyhow, they're probably pushing that a little bit more. And some of the other states are going to challenge that element of that law.

6. Do you think consumers are willing to "pay" for animal welfare? Why or why not?

I think there's a small number of consumers who will pay for extreme protection of farm animals, which is what they're pushing for. I think there's a larger group of consumers who just want to make sure that they're reasonably well-cared for. We see that with a lot of the buy-locals. I think the vast majority of consumers really are looking at price and quality. I mean, look at the poverty rates; do you really think the folks who are living on fixed income and have SNAP benefits are really worried about whether the eggs came from a humane operation? And there are a lot of people in between. It's a little bit like organic. So, organic, in the early days, you had traditional, where there's some bad stuff going on and some perceived bad stuff, then everybody went to organic. And that market was fairly large. It's growing, but if you look at the growth it's usually in the Walmart stuff and things like that. Probably about 15-20 years ago, people started doing the "buy local" thing, where they'd go to the farm, they'd buy it from the farm stand, they'd get a CSA share, they'd go to the farmers' market and that sort of thing. The mantra for a while here was that local is the new organic. People were far less concerned with it having an organic certification than they were as "I know the farmer, I've seen the farm, I've seen the crops, I've seen the animals, I'm comfortable with that." So, I think there's a small group that really want this extreme, you know, "we want to make sure they're free-range and happy and live full lives". I think there's a slightly larger group who's saying "I kind of want to know that they're treated reasonably well, but I don't need certification. Yeah, they get caged and that sort of thing." I think there's a big group in the middle, who, if you pull them, will say yes, they care, but when it comes down to it, you know, they need new tires on the car, tuition is due, the mortgage is due, and I'm too busy to worry about this, and this is 99 cents a dozen, I'm going to get those. And I think there's still a fairly large group who's saying, "I've got my own kids to worry about, I can't worry about this sh*t." So, that's how I would break it down. I don't know the numbers, but I think that the extreme end of what the advocates are pushing is a very small number of consumers who want that. So even the shelter thing, you know, most consumers

frankly don't know it. We get calls every winter like "there's a cow out in the field!" It's like, "what kind of cow is it?" "It's really hairy and red." It's like, "they like being out in the field in the winter!" You can't explain it to them. Even when we had the veal crates, we were putting out press releases saying there are no veal crates, no veal crates back. "I saw a veal crate on a cow farm!" And I call, and they'd say "Brad, I've got calf hutches." It's like a big dog house for calves. It keeps them warm, it's what the veterinarians recommend, they've got a little pen about half the size of this [room], and they can go out there. That's a calf hutch, not this confined veal crate. So, a lot of consumers don't understand, but they want to feel comfortable with where their food is coming from, they want to see the animals and that sort of thing. I'd still say that if you took that group and the extreme ones, it's probably less than 10%. It's different from polling; polling, you ask me and you know, "oh, yeah, I really care" -- I have my kids there, my wife sitting there, you know, some pretty girl or a cute guy, whoever they are, "oh, yeah, I really care about farm animal welfare". But when it really comes down to it, like I said, these are 99 cents and I need new tires on the car. So, I don't trust all the polling. I used to do a lot of polling with GMOs, and there was a poll once where 60% of the respondents said they wanted DNA-free food, which they really didn't once you explained what DNA-free food was. So, I don't trust the polling on that, and that's where I think some of the disingenuousness comes in from advocates. Now that said, I do think that there are improvements we can make in farm animal welfare. There are people up there who aren't properly sheltering their animals. Requiring everybody to use three-sided shelters is not the solution to that. It's something you can put in your newsletter, and if you're MSPCA, get people to send you money. It's easy to tell your inspectors that but it's not the solution. In our mind, the Livestock Care and Standards Board, everybody's got some knowledge on this, different viewpoints on this, and a vested interest together. That was the first thing I wanted the Livestock Care and Standards Board to do, is okay, we need some shelter requirements. Let's put them together. How do the inspectors know what's adequate? There's much more detail, and it's much less sexy than what you see in legislation and ballot initiatives.

So, I will say that with MSCPA, we usually get along pretty well with their inspectors, who know something about animals, who are out in the field and see it, know the farmers and see the animals. We have fewer conflicts with them than we do with the policy people who are doing PR and fundraising. So, when I say MSCPA, in our mind, there are two of them out there -- there are the Boston people and there are the people out in the field. We don't always agree with all of them, and that's okay, but we generally respect the field people and the farmers typically respect each other. I don't have much respect for Kara -- I'm sure you speak to Kara -- and the folks in Boston. And HSUS, is just, people hate HSUS. I mean, they're like, farm Nazis as far as we're concerned. I think some of that is coming to light when you look at how much they pay the people, the whole stuff with the interns and the sexual harassment from, what's his name, Wayne Pacelli. You know, this guy isn't as benign as everybody thought, and honestly, I wasn't surprised at all because of the type of bullying and the type of behavior he did in his humane efforts -- I can see him doing that with his staff, too. And even look at some of the boards, you know, when it came to his Board, they kicked three people off. It was really a PR issue; one woman said "oh, well you know those women really shouldn't have dressed like that." And that was his Board. Now, somebody smart realized "okay, we're under the microscope, now. She shouldn't be on here." They knew she was like that before. So, I think, to some extent, it's coming to light, but again, most people's lens on animal welfare, they immediately relate it back to Fluffy. And I get that, but it's a value thing, largely a value thing, and we can either be divided

over this or we can agree to disagree, and both try to educate people with our perspective and let people make up their own minds. And the other half of my members all grow vegetables, so they don't really care.

**Employee, USDA Plymouth County Farm Service Agency
10/25/2018**

Preferred not being recorded, so his responses are based on notes taken during the interview.

**Employee, Division of Animal Health, MA Department of Agricultural Resources
10/31/2018**

1. How do you view farm animal welfare policy in Massachusetts?

The existing statutes prohibiting animal cruelty include MGL Chapter 272, section 77, which states, in part, "whoever, having the charge or custody of an animal, either as owner or otherwise, inflicts unnecessary cruelty upon it, or unnecessarily fails to provide it with proper food, drink, shelter, sanitary environment, or protection from the weather... shall be punished by imprisonment in the state prison for not more than 7 years in state prison or imprisonment in the house of correction for not more than 2 1/2 years or by a fine of not more than \$5,000 or by both fine and imprisonment"

This statute covers the necessary issues associated with a lack of adequate care, and the penalties are severe. There is no misdemeanor charge for animal cruelty. All convictions are felony convictions, and that has been problematic with respect to prosecuting certain offenders. There was a bill to add farm animals to the provisions of MGL Chapter 140, section 174E, which would allow Municipal Animal Control Officers to issue citations for unsanitary conditions, but that has not yet passed the legislature. That bill allows for an administrative remedy to unfavorable conditions for animals sooner than law enforcement would be able to charge an offender with the criminal offense. It is more likely to protect animal welfare, due to providing a potential remedy and relief to the animals sooner.

A larger issue than the policies themselves is the mode of enforcement. Currently, most cases of animal cruelty are referred to the Law Enforcement Departments of the MSPCA and the Animal Rescue League of Boston. These are private, non-profit organizations that rely on donations to carry out the work they do across the state. Their law enforcement divisions are sometimes limited in what cases they are willing to pursue because the care of the affected animals becomes their responsibility for the duration of the court case. That cost may exceed their available resources. As a result, some offenses may not be charged. Having other options to address the inadequate care of animals would be more effective and would benefit animals more than the current system.

2. How do you think your constituents view farm animal welfare policies in the Commonwealth?

Our constituents are the farmers, their neighbors, and the animal rights activists. They all have different views of the adequacy and efficacy of the current farm animal welfare policies.

3. Have any groups reached out to you about farm animal welfare policies, and what messages have they had for you?

As our constituents are both farmers and animal rights activists, we receive communications from both groups regarding animal welfare policies. Some feel the current rules are adequate, while some would like to see further restrictions. Some would seek to end animal agriculture altogether.

4. What is your opinion on the recent ballot initiative concerning farm animal welfare?

The recent ballot initiative targeted farming practices that generally were not in use here in Massachusetts. The Department was only aware of one farm that would have to upgrade their facility to meet the requirements imposed by the law. It should be noted that opponents to the ballot question assert that there has been no conclusive science-based research to prove such changes would improve animal welfare.

5. What steps, if any, have you seen being taken on policy design or implementation around that ballot initiative? Do you think this process is different from others? Why or why not?

As the law does not take effect until 2022, implementation and compliance efforts are in the infancy stages.

6. Do you think consumers are willing to “pay” for animal welfare? Why or why not?

It’s not yet clear how significant of an increase we’ll see in retail prices as a result of the ballot question. “Cage free” eggs and other higher priced “organic” options seem to be doing quite well here in the Commonwealth. In that respect it appears some portion of MA consumers are willing to pay.

Town Selectman, Berkshire County, MA

11/8/2018

1. How do you view farm animal welfare policy in Massachusetts?

I don’t know that much about animal welfare foreign policy. The idea of treating animals humanely seems to make sense, which is why I endorsed the referendum. I did check with a farmer to see that it made sense from a business point of view, and at least for small farmers, it does. You know, I’m not a vegetarian, I eat animals. I would like for them not to have had horrible lives. I have a friend who says, “I want the animals I eat to have had a really good life with one really bad day.” So, I assume things are better since that’s passed; I don’t really know...I don’t know if big farms have found a way around it. It’s got to make a difference in the quality of food. A lot of things that would be good are put on hold and not done because they’re

expensive, or more expensive. So, when we have an environmentalist roadblock to some sort of a project, people will say, "but that creates jobs". I get it, we need jobs, but we only have one environment, you know? I guess it costs more -- maybe it needs to cost more -- to get good food. We want our food prices to be low, then on the other hand we want quality food, and at some point, you've got to give up one of those.

2. How do you think your constituents view farm animal welfare policies in the Commonwealth?

So, my constituents showed their overwhelming support. So around here, it's a very liberal community, it's a -- I don't want to say affluent, but [inaudible]...it's a nice source of income for our community, not just the farms, but the restaurants -- and most of the restaurants here are farm to table, including here [coffee shop]; I know the person who raises the chickens, who lay the eggs, that are in the egg sandwiches here. And they tell if they're interviewed in here. So, people were very supportive of it. What were the numbers, the percentages if you remember?

I think it was in the 80s [percent of approval].

Yeah, I'm not surprised. Quality of food, flow food, it's a part of our economy. So, I guess here, to a large degree, we weren't making the decision between economic versus quality. We made that decision. It helps our economy; tourists come here, partly, for that. When we talk about economic development in our community, we talk about food production. It's a part of it -- it's a big part of it here.

I would like to say that we don't care if it will make our food cost more, but the bottom line is it won't in our community. So, it's less of an economic [inaudible] for us to support something like this because our economy is based on this kind of food. I'm trying not to be holier than those who voted "no", but the downside for us is not as "down" as it is for some.

3. Have any groups reached out to you about farm animal welfare policies, and what messages have they had for you?

So, the only group that reached out to me...I'm trying to remember how I got into it. They were at a farmers' market, and they had a table set up, and either I knew the person behind the table or I started talking to them -- I don't remember this, it was a few years ago. They asked me if I would sign an endorsement when they found out I was an elected official. That's the only interaction I've had. I mean I still get emails, I'm on a mailing list. It might have been the group pushing this referendum, that or it could have been a humane society. I have a friend who used to do fundraising for the Humane Society; she was involved, also, with this. I'm not sure which hat she was wearing at the time.

4. What is your opinion on the recent ballot initiative concerning farm animal welfare?

All for it. It didn't seem, especially in our state, it didn't seem restrictive enough to have any concerns. If it was going to put "x" numbers of farmers out of business, I would say we should worry more, if it's going to make one farmer spend more...and, that perhaps, that farmer should

be treating animals differently. And, perhaps, if they do -- I assume it's a corporate farm -- if they do treat animals differently, they can get a better price for their animals.

5. What steps, if any, have you seen being taken on policy design or implementation around that ballot initiative? Do you think this process is different from others? Why or why not?

No idea, which is interesting. It's interesting that, like I said before, it's easy for me to support being in this community and it's easy for me to support this not being part of the industry because I just voted for it and walked away. Other people do all the work, spend all the money. So, it might be a good thing if this were talked about more, if I, as a consumer, knew more about it -- next time something like this comes out, I might be more likely to support it. So, in my community, not for this particular initiative, but in my community, the quality of food is the topic of discussion -- all the time. Everyone knows which restaurants serve local food, every restaurant in town, if they do serve local food, it says it on their menu, it tells you. There was an episode of "Portlandia" -- I don't know if it was an actual television show that was on television or if it was just on YouTube -- but there's a skit of this couple who sits down at a restaurant to order chicken or eggs, I think. They say, "Well, free range eggs, can you tell me about the chicken?" and the waitress says, "Oh sure, just a minute." and she comes back with a biography of the chicken. It's a joke, but it's close to that here.

Like I said, I know the farmer who raises the eggs that I eat every morning, and that's not uncommon here. Perhaps if that were more widespread, people would get it. My first -- right out of college, I was married to a farmer's daughter, a dairy farmer. So, I spent a lot of time on a bigger farm where they cared less. Animals were there to eat, to make food. They weren't abused as far as I could tell, but the quality of the food wasn't really the discussion. The fat content was, because that's how they made the money.

So, I haven't seen any steps taken. I think it would be a good idea as a regular consumer if I could see steps taken.

6. Do you think consumers are willing to "pay" for animal welfare? Why or why not?

As an elected official, I'm constantly hearing from people, "you should do this", "we should do this", "why does it take so long to plow the streets?", all these things. I'm hearing from the same people that our taxes are too high. So, I don't think...I think consumers would say, "this is important", but then they're also going to complain that their eggs are too expensive. People will complain that their coffee costs too much and that Matt, who owns the place, doesn't pay his staff enough, as if those things aren't related. I don't have a lot of faith in people connecting the two. I think if on the way into the voting booth, you said your eggs were about to go up 20 cents an egg, the vote would have been different -- might have been different. I think people have a complete disconnect, so I think consumers...I don't know if they are willing to pay. I think most people are looking one at a time; either they're thinking about the cost or they're thinking about the animals, and they're not weighing the two and saying, "Is it worth it?" Just judging by the vote, they obviously decided it was worth it, but I don't think that was really what was going on. I think they thought, "Oh, animals!"

30,000 people, give or take -- between 30 and 40,000 people die in America in car accidents every year. I'm willing to, and this is embarrassing, I'm willing to do that in order that I can get from here to Amherst in under an hour. If the speed limit were five miles per hour, no one would ever die in a car accident. 30,000 people a year would live, but it would take me six or seven hours to get to Amherst. We've decided, as a society, that it's worth 30,000 people dying. Nobody, if you said, "Is it worth it?" would say, "Yes, it's worth it." But every day, we...same thing, we disconnect. To some degree, if you eat meat, you need to pretend your meat comes from a grocery store. I could not kill a chicken, but I can eat them. So clearly, I'm a hypocrite. I have friends who will say, if you don't hunt, that you're a hypocrite. They're not wrong. I would love that if we, as a species, were able to make these decisions, but I don't think we do. I think we do one or the other. And there is a difference between being willing to eat an animal and being able to look into the barrel of a gun and kill something, but a bit of a critical difference. I think an interesting would be, "Do people even make the connection?" When they're making their decision, are they thinking about both or are they just thinking about one? I think almost everyone who walks into the voting booth is thinking about one, and perhaps the one they think about is influenced by what's more important to them. It would be interesting -- and I'm sure they don't have these statistics if there was exit polling -- that compares affluence to how they voted.

Like everybody, I watch what I spend -- less carefully when it comes to food. If I needed to, it's pretty much the last place if I needed to cut back, that's where it's going to be. I just went grocery shopping this morning. Some things I look at...you know I should buy organic strawberries, and I don't because they're so much more expensive. To me, if it comes out of the back end of an animal, it probably should be organic, but that's me. But if money got tighter, that would go. For me, that's the last thing to go; for some people, that's not. But I think that's what would have influenced, when you walk into the voting booth are you thinking about money or animals? But I don't think most people are thinking about both. Think about that when you drive 55 miles per hour home instead of five.

It's interesting...the fact that a decision like this is made by voters always strikes me as interesting. Now, suddenly I have to become an expert in farm technology. So, as a voter, I can have a preference in how animals are treated, but that doesn't mean I have any understanding at all on what it takes to put an egg on the table. We just did it in the last election [with Ballot Question 1]. Again, we all love nurses; anyone who's ever been in a hospital has had a nurse to rely on. Which is why both sides were saying, "This is what nurses want." That's not a decision, I don't think, voters ought to make.

I was reading that, that this should be left to people who are experts.

So, this is probably similar, a lot of the referendums are, probably. Both sides are able to appeal to emotions, which is why you have people walking in, some were told "Protect animals" and others were told, "This is going to cost you money." Nobody is saying, "Let's kill animals." It doesn't matter. I think an issue...as an elected official -- I'm on the Select Board, we're sort of the...like a mayor. I'm not an expert in anything that comes before me. We hire staff, they're the experts. My job, I think, is to look at what the staff recommends, politely skeptically. So, they

come and say, “Here’s what we should do,” and I say “Well, convince me,” and “This doesn’t seem to make sense,” with the attitude that they’re probably right. But every now and again, we’ll ask a question and they say, “Oh, let’s go back.” But where they’re experts, the referendum process ought to be similar, where I think it should be limited. I’m not sure this is one of the questions that should have come to the voters to decide, because obviously everyone wants to treat animals well and obviously everybody wants their food to be as least expensive as possible, but it’s where that divide is...it’s probably too technical a question for us to answer. The nurse thing was the same thing. So, ideally, one nurse per patient, you get perfect care. But I’m also complaining that my health insurance is too expensive. And I did not walk into the voting booth thinking about both.

Glossary

American Society for the Prevention of Cruelty to Animals:	ASPCA
Attorney General:	AG
Community-Supported Agriculture:	CSA
Federal Meat Inspection Act:	FMIA
Food Safety and Inspection Service:	FSIS
Hazard Analysis and Critical Control Point:	HACCP
HACCP-Based Inspection Models Project:	HIMP
Humane Methods of Slaughter Act:	HMSA
Humane Society of the United States:	HSUS
Institutional Review Board:	IRB
Massachusetts General Law:	MGL
Massachusetts Society for the Prevention of Cruelty to Animals:	MSPCA
Massachusetts Veterinary Medical Association:	MVMA
Meat and Poultry Inspection:	MPI
Northeast Organic Farming Association:	NOFA
Notice of Intended Enforcement:	NOIE
Notice of Suspension:	NOS
People for the Ethical Treatment of Animals:	PETA
United States Department of Agriculture:	USDA