

Opinion: Animal Welfare after Trump: The Real and Anticipated Concerns – a Personal View from America

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The US animal protection movement suffered a knock back in November 2016. Given the change in the administration there are several real and anticipated impacts that the movement has been forced to address. Yet, it must be noted that progression for animal welfare has historically been a slow process in the US, particularly when compared to the European Union. Furthermore, the most effective animal welfare legislation has been implemented on a state by state basis rather than at a federal level. This includes state anti-cruelty laws which have been implemented due to limitations to the federal Animal Welfare Act. State measures have also been put in place for animals in agriculture. The federal US Humane Methods of Slaughter Act,¹ the only federal law concerning farm animals, has not been amended since 1978, whilst agricultural practices have altered significantly during this period. Crucially, this Act does not give

any protection to poultry, excluding it entirely, whilst a large percentage of the animals slaughtered for food each year are birds. A staggering 9.2 billion animals were estimated to have been slaughtered for human consumption in the US in 2015.²

As has been clear for some time before the election, Donald Trump appears to have no interest in animal welfare or environmental issues. In fact, Trump has outwardly supported the exploitation of animals, such as the use of animals in circuses. This extends to the President's family, whilst his sons have been shown in the media to be avid trophy hunters.³ Furthermore, since his election, Trump has surrounded himself with advisors with connections to industries that use animals; trophy hunting, puppy mills, factory farming and horse slaughter to name a few. Broadly, the advisors in this Republican cabinet are understood to lean heavily towards corporate interests.

Most concerning is their support for the agricultural industry, the main animal oppressor in terms of sheer numbers. In the US, this industry is run by a small number of powerful corporations that dominate the industry.

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One concerning individual's stance is that of Vice President Mike Pence. As well as being known for his climate change scepticism, Pence reportedly voted against the protection from slaughter of 30,000 free roaming horses and burros in 2009,⁴ whilst the need to protect these wild

¹ Humane Methods of Slaughter Act of 1978

² Hamanesociety.org, 'Farm Animal Statistics: Slaughter Totals': *The Humane Society of the United States* <www.humanesociety.org/news/resources/research/stats_slaughter_totals.html

?referrer=https://www.google.com/ > accessed 13 March 2017

³ Lauerma, K. and Lauerma, K, 'The Trump sons go hunting again. Will more trophy photos follow?' (*The Washington Post*, 6 August 2016) <<https://www.washingtonpost.com/news/animalia/wp/2016/08/06/the-trump->

sons-go-hunting-again-will-more-trophy-photos-follow/?utm_term=.169e572758c4 > accessed 13 March 2017

⁴ Ontheissues.org. 'Mike Pence on Environment' <www.ontheissues.org/Governor/Mike_

animals is a continuing concern for animal protectionists to this day. More recently, in 2016, Pence was responsible for signing off a controversial bill in Indiana permitting the captive hunting of deer species.⁵

“...one issue garnering much attention is the administration's removal of publicly available animal welfare data...”

Another concerning cabinet player is the recently appointed administrator of the Environmental Protection Agency (the EPA), Scott Pruitt. No stranger to controversial opinion, prior to his appointment Mr Pruitt openly opposed much of the EPA's mission whilst forming alliances with corporations to protect them from climate protection legislation.⁶ Pruitt is also reported to boast of scrapping the environmental focus of the EPA, and directly challenging the agency's existing proposals.⁷ Most potentially

damaging is Pruitt's connections with agricultural interests. In 2016 he actively supported Oklahoma's "State Question 777" bill, known as the "right to farm" law which if passed would have effectively removed the state's ability to regulate farming practices, "a blatant attempt to protect large scale operations."⁸

Cabinet biographies aside, one issue garnering much attention is the administration's removal of publicly available animal welfare data from the U. S. Department of Agriculture's (USDA) and the Animal and Plant Health Inspection Service's (APHIS) websites. This data included key information on enforcement and violations of the US federal Animal Welfare Act (the AWA) along with the Horse Protection Act. It included thousands of annual reports on animals kept in research laboratories, zoos, puppy mills and circuses.⁹ On removing the information on 3 February 2017, the USDA issued a statement as follows: "Going forward, APHIS will remove from its website inspection reports, regulatory correspondence, research facility annual reports, and enforcement records that have not received final

adjudication. APHIS will also review and redact, as necessary, the lists of licensees and registrants under the AWA, as well as lists of designated qualified persons (DQPs) licensed by USDA-certified horse industry organizations."¹⁰ Essentially, the USDA removed all of the animal welfare information from its site.

The removal of this data sparked horror amongst animal welfare organisations, the concern being that those who have mistreated animals now have their actions hidden away, immediately impacting advocates' work. As congressman Earl Blumenauer put it in an open letter to Donald Trump of 14 February 2017: "public access to this data is critical to enforcing our nation's animal welfare laws and ensuring transparency."¹¹ He goes on to state that "public access to information can guide consumer decision-making and plays an important role in deterring regulated entities from violating the law."¹² Furthermore, without these public records, animal advocates are forced to spend more time digging up basic information to bring enforcement of the AWA, to include pushing

Pence_Environment.htm> accessed 13 March 2017

⁵ Niki Kelly, 'Pence signs captive hunting bill' (*Journal Gazette*, 22 March 2016) <www.journalgazette.net/news/local/in-diana/Pence-signs-captive-hunting-bill-12178783> accessed 13 March 2017

⁶ Eric Lipton, 'Energy firms in secretive alliance with attorneys general' (*The New York Times*, 6 December 2014) <www.nytimes.com/2014/12/07/us/politics/energy-firms-in-secretive-alliance-with-attorneys-general.html?_r=0> accessed 13 March 2017

⁷ Dimitrios J. Karakitsos, 'Choice of Scott Pruitt as EPA Administrator Puts Focus on Energy Independence' (*Holland & Knight*, 9 December 2016) <www.hklaw.com/publications/Choice-of-Scott-Pruitt-as-EPA-Administrator-Puts-Focus-on-Energy-Independence-12-09-2016/> accessed 13 March 2017

⁸ Tom Philpott, 'Trump Just Wrapped Up a Nice Double Gift to the Meat Industry' (*Mother Jones*, 8 December 2016) <www.motherjones.com/environment/2016/12/trump-just-wrapped-nice-double-gift-meat-industry> accessed 13 March 2017

⁹ Natalia Lima, 'Coalition of Animal Protection Organizations Sues USDA for Animal Welfare Blackout' (*Animal Legal Defense Fund*, 22 February 2017) <aldf.org/press-room/press-releases/coalition-of-animal-protection-organizations-sues-usda-for-animal-welfare-blackout/> accessed 13 March 2017

¹⁰ United States Department of Agriculture, Animal and Plant Health Inspection Service, 'Updates to APHIS' Website Involving Animal Welfare Act and Horse Protection Act Compliance Information' (*USDA*)

<www.aphis.usda.gov/aphis/newsroom/news/lut/p/z1/04_Sj9CPyKssy0xPLMnMz0vMAfIjo8ziffxNnA2dgg183N0CXAOcQ_29nDz9DIwM_Ez1w1EV-ld5mBk4uoaEhvhZGDp5WhrpRxGj3wAHcDQgTj8eBVH4jQ_Xj8JvhRm6AixeJGRJQW5oaIRBpicAJxAIDg!!/?1dmy&urile=wc m%3apath%3a%2Faphis_content_library%2Fsa_newsroom%2Fsa_stakeholder_announcements%2Fsa_by_date%2Fsa-2017%2Fsa-02%2Fawa-hpa-compliance> accessed 13 March 2017

¹¹ 'Blumenauer Calls on Donald Trump to Restore Vital Animal Welfare Data Online' (*Congressman Earl Blumenauer 3rd District of Oregon*, 14 February 2017) <blumenauer.house.gov/media-center/press-releases/blumenauer-calls-donald-trump-restore-vital-animal-welfare-data-online> accessed 13 March 2017

¹² Ibid.



the USDA to adequately comply with the AWA, whilst agency Freedom of Information requests can take months or even years. Furthermore, journalists are prevented from informing the public of animal mistreatment at facilities where animals are held across the country.

A coalition of animal welfare organisations and others immediately took steps to bring a lawsuit against the USDA to compel them to return the records. The coalition includes a public health organisation, the Physicians Committee for Responsible Medicine, which is stated to rely on these records in their work in modernising their

research practices away from unnecessary animal use.¹³ The coalition argues that the removal of online animal welfare records is a violation of the Freedom of Information Act as the legislation requires that frequently requested records are made publicly available. Since the initiation of this lawsuit, the USDA has taken steps to restore a minimal amount of the documentation relating to animal welfare. The USDA maintain that their reasoning for their February action was for privacy reasons. The case continues whilst the vast majority of animal welfare information remains unavailable.¹⁴

The animal and environmental protection laws that Trump and his advisors have taken steps to undermine and even reverse continue to be revealed. An ongoing international concern is the administration's actions concerning the EPA, as noted above. The changes are expected to have a detrimental impact on wildlife following reduced protections for clean air and water. In one example, on 28 February 2017 the President issued an Executive Order which directed the EPA to review and rescind or revise the 2015 Clean Water Act rule concerning federal and state control of water regulations.¹⁵ Furthermore, on 30 January 2017 Trump signed an

¹³ Mark Kennedy, 'Physicians Committee Statement: Doctors Sue Government for Hiding Animal Welfare Data' (*Physicians Committee for Responsible Medicine*, 13 February 2017) <www.pcrm.org/media/news/doctors-sue-government-for-hiding-data> accessed 13 March 2017

¹⁴ Sarah Kaplan, 'Amid outcry, some animal welfare documents are restored to USDA website' (*The Washington Post*, 17 February 2017) <www.washingtonpost.com/news/animalia/wp/2017/02/17/amid-outcry-some-animal-welfare-documents-restored-to-usda-

[website/?utm_term=.c4b74f2ad093](http://www.washingtonpost.com/news/animalia/wp/2017/02/17/amid-outcry-some-animal-welfare-documents-restored-to-usda-website/?utm_term=.c4b74f2ad093)> accessed 13 March 2017

¹⁵ United States Environmental Protection Agency, 'EPA to Act on Waters of the United States Rule' (*EPA*, 28 February 2017) <www.epa.gov/newsreleases/epa-act-

executive order requiring that prior to implementing a new rule all federal agencies must repeal two regulations; part of “his major effort to dismantle environmental protections.”¹⁶ As new protections can only be introduced once two protections are repealed, those focused on improving environmental measures are in a position whereby they are effectively prevented from making any progress. Trump appears to be fulfilling his pre-election promises wholeheartedly in taking steps to reduce the EPA’s role, size and abilities, whilst he dismisses climate change.

A further concern for animal welfare is Trump’s controversial wall. The wall would impact ecosystems and animals as well the environment. In particular, the wall is expected to “halt the cross-border movement of jaguars, ocelots and wolves.”¹⁷

Whilst President Obama recently passed the Organic Livestock and Poultry Practices (OLPP), Trump has chosen to hold off on its implementation. This amended legislation concerning labelling is expected to provide much needed protection to farm animals at a federal level. It requires that the term “organic” is strictly interpreted so that the animals involved are provided

with agreed comprehensive standards of living conditions, transport and slaughter. This legislation would also provide protection for poultry, currently excluded from the Humane Methods of Slaughter Act. Although not perfect, these standards are based on years of discussions between consumers, organic producers, environmentalists and others. In particular, they clarify the definition for “outdoor access” requirements, whilst the existing definition is vague.¹⁸

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The OLLP was set to be implemented on 20 March 2017, with a five-year phase in period. Yet the USDA has pushed back the legislation by 60 days to be implemented on 19 May 2017.¹⁹ Its effective implementation remains uncertain. Whilst there is an executive order in place requiring that for each new

regulation two existing regulations must be removed the likelihood of the bill being implemented in the near future has been jeopardised. Even without this obstacle, food producers will no doubt continue to lobby these regulations that they consider to be “an overreach by the USDA” whom they claim is without the authority to oversee this.²⁰ Whilst the intent of this legislation was to bring the rules in line with consumer expectation, this battle is expected to continue.

In a further effort to protect the agricultural industry, a bill was introduced by the Republican congress in January 2017 removing protection for grey wolves. This concerns wolves recently introduced to Wyoming and surrounding areas, and proposes to remove them as listed under the federal Endangered Species Act.²¹ Without this listing these wolves would have limited to no protection as wild animals.

Future congress bills will no doubt follow in a similar vein.

Is it all bad?

However, we cannot entirely assume the worst for the US animal welfare movement. Many may not have predicted that the Ringling Brothers would push

waters-united-states-rule-1> accessed 13 March 2017

¹⁶ Brett Hartl, ‘Trump Orders Massive Rollback of Environmental Protections’ (*Center for Biological Diversity*, 30 January 2017) <www.biologicaldiversity.org/news/press_releases/2017/trump-protection-rollback-01-30-2017.php> accessed 13 March 2017

¹⁷ Randy Serraglio, ‘Trump’s Border Wall Will Harm People, Halt Recovery of Jaguars, Other Wildlife’ (*Center for Biological Diversity*, 25 January 2017) <www.biologicaldiversity.org/news/press_releases/2017/border-wall-01-25-2017.php> accessed 13 March 2017

¹⁸ Lynne Curry, ‘Ground-Breaking Animal Welfare Organic Rules Moving Forward’ (*Civil Eats*, 13 January 2017) <civileats.com/2017/01/13/ground-breaking-animal-welfare-regulations-for-organics-moving-forward/> accessed 13 March 2017

¹⁹ United States Department of Agriculture, Agricultural Marketing Service, ‘Organic Livestock and Poultry Practices’ (*USDA*) <www.ams.usda.gov/rules-regulations/organic-livestock-and-poultry-practices> accessed 13 March 2017

²⁰ Michael Pellman Rowland, ‘Organic’s New Animal Welfare Standards Jeopardy’

(*Forbes*, 2 February 2017) <www.forbes.com/sites/michaelpellmanrowland/2017/02/02/organic-animal-welfare-standards/#2c1ce3464293> accessed 13 March 2017

²¹ A bill to direct the Secretary of the Interior to reissue the final rules relating to the listing of the gray wolf in the Western Great Lakes and the State of Wyoming under the Endangered Species Act of 1973, S.164, 115th Congress (2017-2018) (available at: <https://www.congress.gov/bill/115th-congress/senate-bill/164/text>)

forward with the removal of circus elephants from their shows, or go as far as closing shop entirely. This is a significant development for animal advocates. The last shows are to be held in May 2017, and in the face of Trump's avid support of circus animals in the past.²²

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Furthermore, despite the difficulties faced in implementing animal welfare laws at a federal level, laws continue to be developed across states. In one example, over 77% of residents in the state of Massachusetts voted for a new measure banning sales of products from battery caged hens, veal and gestation crates this January.²³ As noted above, an attempt to implement legislation in Oklahoma to protect agribusiness, was voted against by over 60% of the state.²⁴ Also recently passed was "Measure 100" in Oregon in November 2016. This measure was voted for by over 69% of residents, and implemented a domestic ban in the trade of endangered animal parts including ivory.

Such successes illustrate that animal protection law development in the US will likely continue despite the new administration. Furthermore, during monumental changes such as this, movements may be forced to rethink their strategies in achieving change. This may mean that animal protectionist groups must creatively craft arguments for change that appeal to the new administration.

²² Kyle Feldscher, 'Flashback: Trump said he would not go to circus without elephants' (*Washington Examiner*, 15 January 2017) <www.washingtonexaminer.com/flashback-trump-said-he-would-not-go-to-circus-without-

elephants/article/2611918> accessed 13 March 2017

²³ Ballotpedia, 'Massachusetts Minimum Size Requirements for Farm Animal Containment, Question 3 (2016)' <ballotpedia.org/Massachusetts_Minimum_Size_Requirements_for_Farm_Anim

[al_Containment,_Question_3_\(2016\)](http://al_Containment,_Question_3_(2016))> accessed 13 March 2017

²⁴ Ballotpedia, 'Oklahoma Right to Farm Amendment, State Question 777 (2016)' <[ballotpedia.org/Oklahoma_Right_to_Farm_Amendment,_State_Question_777_\(2016\)](http://ballotpedia.org/Oklahoma_Right_to_Farm_Amendment,_State_Question_777_(2016))> accessed 13 March 2017