

Prevent Cruelty California

Drafted by Heliya

Heliya: I'm Heliya, and you're listening to More Than Meat, a podcast series on Animal Agriculture legislation. Today we will be discussing Prevent Cruelty California, a bill intended to close the loopholes that were left open on Proposition 2.

Heliya: Proposition 2, which passed in 2008, aimed to outlaw battery cages in California factory farms, and mandated that animals kept at these facilities must, at a minimum, be granted sufficient space to stretch, turn around, and lie down. However, since the passage of the proposition, the California Department of Food and Agriculture has taken no measures to enforce the law prescribed by Proposition 2. Hence, many animal welfare organizations, and their allies, have led a canvassing campaign. As of April 24th, Prevent Cruelty California has received over 600,000 signatures, ensuring that a spot for the Bill on the November 2018 ballot. Then it will be up to Californian Voters to decide if they want the bill to pass or not.

Heliya: So it's important to offer some context regarding this Bill. In a way, Proposition 2 opened a Kafka-esque gateway for the world of animal law. Following its passage, many egg users and producers decided to revamp their own egg ethics. In the the state of Massachusetts banned the sale of animal products from any confined animals, with a whopping majority vote. Corporations followed suit. McDonalds pledged to go cage-free in 2015. In 2016, some of the nation's largest supermarket chains, including Walmart, Safeway, and Albertsons also promised to go cage free by 2025. Egglard's Best and Tesco joined the bandwagon, pledging loyalty to the 2025 goal, and Nestle promised to go cage free within the net decade. Across the Atlantic, the European Union banned battery cages in 2012, while Germany and the Netherlands went cage free even earlier, in 2009. Hence, we see a modern effort to increase moral accountability by corporations and restaurants that profit off of hens' bodies.

Heliya: Incentive to change the system is additionally supported by models of economic streamlining. It is substantially simpler for a company to standardize practices across the board, rather than to work to meet regulations that differ per state and per company. Egg producers and distributors may find it easier to change all of their operations to cage-free, rather than adhering to different sets of rules for each state. Hence, the strides taken by McDonald's, Massachusetts, and potentially California, encourage the heavily consolidated egg industry to go completely cage free. As the world's sixth largest economy, California's decision to adopt the bill would urge the egg industry to raise standards across the bar.

Heliya: This is especially true because Prevent Cruelty California if passed, will not only apply to egg producers within the state, but also to any company doing business with California factory farms. Producers, distributors, and consumers in other industries could not afford non-compliance. California boasts the 6th largest economy in the world. Losing partnerships with California businesses would prove disastrous.

Heliya: To learn more about this Bill, we've invited animal rights activist, Roc Ky, to speak with us today. Roc is a dedicated member of Direct Action Everywhere, an organization whose recent victories have included getting Berkeley and San Francisco to ban clothing sales of fur. Direct Action Everywhere is also housed at the Berkeley Animal Rights Center, the first animal rights center in the nation. Hi, Roc.

Roc: Hi, Heliya.

Heliya: So tell us, what's the buzz with Prevent Cruelty California.

Roc: What my understanding is that Prevent Cruelty California is a proposal to enforce the laws that are already in place, and to provide more space for animals who are confined in animal agricultural farms to move around in. The idea is that based on the regulations, it's supposed to be very expensive for the industry to replace. But, it's essentially an animal welfare kind of deal.

Heliya: Yeah, Prevent Cruelty California would expand the minimum cage size described in Prop 2. The Bill would make it illegal for hens to be kept in a cage, for baby calves to be confined in veal crates, and for mother sows to be restricted to gestation crates. Each of these contraptions restricts the movement of individuals, forcing them to suffer cramped and painful lives before being murdered. More specifically, Prevent Cruelty California would apply to calves (Fun Fact: There's no such thing as a baby cow -- A cow is an individual female bovine who has given birth. A young female bovine who has not given birth is known as a heifer, and male bovines are known as steers.), hens (which includes domesticated female chickens, turkeys, ducks, geese, and guinea fowl; the males of each of these species are typically ground up alive or suffocated to death upon hatching), and breeding pigs (female porcines who are raped for commercial breeding and are either pregnant or over 6 months of age). So in essence, the Bill applies to some hens, baby calves, and mother sows for a few days.

Heliya: I think it's also important to acknowledge who the bill does not apply to. The list of excluded animals is extensive. Animals who are being used in medical research, veterinary training, and rodeos are excluded. The rules also don't apply to any animals during transportation or slaughter. Pregnant pigs may also be subjected to intensive confinement five days before the expected due date, and during any time in which piglets are nursed.

Heliya: Hens fall subject to even more exemptions. Unlike the male chicks who are ground up alive or suffocated to death, females will remain subject to intensive confinement in any of the following situations: catching, culling-- which is farm slang for sorting, transport, mass disposal, slaughter, or in live animal markets. That's a lot of scenarios. The Bill also does nothing about debeaking or the toxic ammonia levels common to facilities confining hens.

Heliya: Of course, we have to think about the Bill from the perspective of the humans within these systems, as well as non-human animals. For farm factory operators, the Bill has both its pluses and deltas. Small operations that currently use cruel confinement will need to upgrade their space. This can cost farm owners as much as a million dollars. This can make it difficult for small factory farm operators to stay in the game, by leading to the dispossession of their land.

Roc: I understand there is thought and logic behind what they are trying to do here by making this law very expensive to follow. The agricultural industry wallet is going to be hit hard. So I think the idea here is to make animal agriculture difficult, so that farming animals for food becomes profitless.

Heliya: True, but on the positive side, cage-free farms require more employees to run. As a result, passage of Prevent Cruelty California can result in higher wages and more jobs. The fact that this job boost would be taking place in more rural areas is an additional rare bonus, as creating jobs in rural America can be difficult. Estimates surpass billions of dollars in sales of cage-free eggs.

Heliya: In addition, by removing the cruelest forms of confinement from factory farms, the Bill's proponents attest that it will help mitigate some of the emotional trauma placed on factory farm workers.

Heliya: The Bill will also allow more factory farmers to label their products as "cage-free" or "humane," which can benefit factory farmers, while increasing the amount of animal exploitation taking place.

Heliya: So who opposes this bill? One opponent is Berman and Co., a firm that represents among its clients Big Liquor and Tobacco. Other opponents include oil and agribusiness tycoons, the National Association of Egg Farmers, the Association of California Egg Farmers, the California Farm Bureau Federation, Protect the Harvest, United Poultry Concerns, the United Veal Association, the national Pork Producers Council, and surprisingly, People for the Ethical Treatment of Animals.

Heliya: It's true. PETA President Ingrid Newsom claims that the Bill would actually enable factory farms to continue using battery cages until 2022, and that afterwards factory farms could continue to restrict hens to a single square foot of space.

Heliya: How can this be? Well, one reason is that this bill sends the message that cage-free is equitable with humane. When consumers buy cage-free eggs, they feel good about themselves. They pat themselves on the back, thinking that they are making the responsible and ethical choice by choosing cage-free eggs. What they don't think about is that while battery hens may have slightly more room in cage-free conditions, they are still subject to all the other terrors of the animal agriculture industry. Male chicks -- that's half of all chicks born in California, or roughly **250 million** baby birds a year -- are still ground up alive or suffocated to death. Females still are subject to mutilative practices without sedatives. These include their wings being trimmed and their beaks being seared off. In addition, they still live in cramped, typically indoor conditions, where other stressed birds may trample over them or peck at them. Their wounds are not tended to, feces is ubiquitously distributed, and disease runs rampant. They are bred to produce so many eggs that egg-laying becomes incredibly painful. This is particularly painful for hens who are deprived of a calcium source. In fact, if left alone, hens will often eat their own eggs. The shells contain calcium that they need to replenish their bodies. And hens are slaughtered as children, typically between 5 and 7 weeks old, whereas their natural lifespan is about eight years.

Roc: Indeed, the Bill has the potential to drastically backfire. When I found out the language that is used, I was NOT enthusiastic. Not because I wanted animals to be confined, but because what

I would like to see in my lifetime is total animal liberation. I don't care about finding better ways of doing wrong things. I don't believe in giving them two feet of space, if that's what they're going to be living their lives in anyway

Roc: But I just find this to be, by and large, ineffective in maintaining and ensuring that animals live happy and healthy lives. If we provide chickens with more space, or if we provide cages for pigs in which they could turn around fully, this could probably turn into a marketing gimmick for these meat producers. They could say, "Oh, see how they're humanely raised! They have all this room!" And then consumers, who still haven't made the connection, are made to feel better about their choices. They think that they are buying eggs that are humane. The hens can move! That's not the message that I want to advocate.

Heliya: A few months ago I was up in Oregon working with some animal sanctuaries. It was heartbreaking to see that many of the battery hens who were granted sanctuary there developed early onset cancer as a result of their weeks in factory farms, passing away at just three years old. The sanctuary owner and manager explained that this was a common condition in all the battery hens they were able to offer sanctuary to: none of them survived for more than three years. It amazes me that the factory farms that initially bred those hens can so easily call themselves humane, even if hens are only allowed a few more inches of space. Justifying these conditions with the rationale that hens are getting slightly more space perpetuates long-term cruelty of hens by convincing potential vegans that eating factory farmed eggs is a definitely ethical practice.

Heliya: It isn't. Ethics of animal agriculture are highly nuanced, and many credible ethicists are against factory farming. This is particularly true in an era where vegan egg alternatives are becoming readily available. In 2017, the alternative meat, dairy, and egg industry saw exponential growth as sales skyrocketed. Egg replacements are plentiful are many in California stores, particularly along the coast. Furthermore, many egg substitutes can be used in baking, such as applesauce, bananas, chia seeds, and flax seeds. Why are we continuing to mistreat animals when alternatives exist? These are questions that make me feel inclined to not support the Bill.

Heliya: I think it's also important to consider the effectiveness of this Bill. From a legal perspective, seems to be a prime example of symbolic law. It gives the appearance of increased regulation to protect non-human animals, without actually creating very much change. Consumers take the Bill as evidence that policy makers and the egg industry are "trying to do the right thing." However, upon further examination, it is evident that the enforcement mechanisms are vague and trivial. Each violation assigns a mere \$250 fine. Even factory farms that make no attempt to adopt the practices outlined in Prevent Cruelty California, or repeatedly violate the Bill's laws cannot be fined for more than \$1000. And legally, violators may only be presented with a misdemeanor. Taking into consideration the heavy consolidation of the of the egg industry, a \$1000 fine and a misdemeanor mean nothing. Seriously, think about it. If one company controls 50 egg operations within the State, is a \$1000 fine going to make a dent in their pockets, make them think? Of course not.

Heliya: Perhaps that's why the Bill's primary proponents are not animal rights or animal welfare organizations, but actually the United Egg Producers Organization. From this point of view, it is possible that the egg industry sees that consumers are becoming more vocal about animal rights, and is presenting a legally castrated bill that will allow them to keep doing what they have been doing, while facing only minor consequences until 2022.

Heliya: Indeed, this Bill could have been much stronger if it had been drafted as such. Nearly three quarters of California voters support animal welfare legislation, indicating that it should have been easy to ask for more space for the animals. For instance, the State of Massachusetts has already succeeded in mandating that a hen may not be confined to less than 1.5 square feet of space. That's 50% more space per animal than what is proposed in Prevent Cruelty California. Why didn't the Bill's drafters aim higher? Why did they stop its development short of it reaching its full potential? Are animal welfare organizations who support this Bill asking themselves these questions?

Heliya: The Bill certainly has a magnitude of proponents. Over 20 animal protection organizations, including the Humane Society of the United States, Mercy for Animals, and an array of Jewish and Christian faith groups. Major proponents include the Center for Food Safety, Farm Forward, the National Consumers League, the Organic Consumers Association, the Center for Biological Diversity, Roots of Change, and activist, Colleen Patrick-Goudreau. This Bill may have actually been proposed with positive intentions, and has the potential to make a difference in the lives of the millions of animals who are exploited for their eggs, milk, skin, fur, feathers, or bodies in the State of California.

Roc: And although I don't support the Bill, I'm not going to condemn it. I don't think it's productive to have this much in-fighting among animal rights activists. I think that we're still relatively small in numbers. The only way for us to ensure animal liberation in the foreseeable future is through coalition-building. Our main focus should be not on arguing with one another, but on the victims: the animals, and their enemies (which are the greedy corporations that have a vested interest in keeping the public ignorant by employing a lot of different fear tactics, a lot of marketing strategies that keep people consuming the bodies of animals).

Roc: The message that I want to advocate is that exploitation of animals is purely wrong. You would not want me to force you to clean my house. You would not want me to force you to have kids, and then take you milk. You would not want me to take your child and then slaughter them for meat. You would not want me to do that to you, so why are we doing this to other animals? It's just plain wrong.

Roc: If this bill passes, then that's great. I suppose that's great. If not, I wouldn't feel too badly about it, because I just don't think it achieved the objective that I would like to see. That's where I stand on that.

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