



# YES ON 3

## PREVENT ANIMAL CRUELTY

The Act to Prevent Cruelty to Farm Animals, on the ballot as Question 3, is a modest animal protection and food safety measure that will prevent breeding pigs, chickens, and calves from being confined in cages so small they can't even turn around or extend their limbs. A YES vote on Question 3 will also protect Massachusetts families from substandard and unsafe food products. A mid-October poll from WBUR found that 66% of Massachusetts voters plan to vote YES on Question 3.<sup>1</sup>

Question 3 is endorsed by all of Massachusetts' major animal welfare groups, including the MSPCA, Animal Rescue League of Boston, Berkshire Humane Society, Dakin Humane Society, and Zoo New England, as well as national charities like the ASPCA and the Humane Society of the United States and more than 500 Massachusetts veterinarians. In addition, Question 3 is supported by the Massachusetts Sierra Club, the Center for Food Safety, United Farm Workers, faith leaders, public health professionals and over 100 Massachusetts family farmers. The list of more than 1,000 endorsers is available at [YESon3.com/endorsers](http://YESon3.com/endorsers).<sup>2</sup>

### Prevents cruel confinement of farm animals



The vast majority of pork sold in the Commonwealth comes from industrial factory farms where pigs used for breeding are confined in narrow crates so small they can't even turn around. This extreme immobilization atrophies animals' muscles and bones,<sup>3</sup> resulting in a lifetime of crippling pain. Since these inquisitive animals are denied mental stimulation, many exhibit neurotic coping behaviors.<sup>4</sup> Calves raised for veal are often confined in similarly abusive conditions.

Most of the eggs sold in Massachusetts come from industrial egg producers that cram hens into cages so small the birds can't even spread their wings. Packed five or more to a cage, each hen spends her whole life in a space smaller than an iPad.<sup>5</sup> Chickens often suffer from bone fractures, feather-loss, and metabolic disease;<sup>6, 7</sup> some hens are caught in the wire<sup>8</sup> and die of starvation or dehydration. Others become paralyzed, unable to reach the food or water just inches away.<sup>9, 10</sup>

### Promotes responsible farming

The vast majority of Massachusetts farmers already provide their animals with room to engage in basic movement, which is why more than 100 Massachusetts farmers have endorsed Question 3.<sup>11</sup> However, there are thousands of hens in Massachusetts currently confined in highly-restrictive cages.<sup>12</sup> Question 3 phases out the use of these cages by 2022, giving producers and retailers ample time to comply with the modest requirement that farm animals have enough space to turn around and extend their limbs.



## Protects food safety

Industrial animal operations put consumers' health at risk.<sup>13</sup> Unable to move and constantly stressed, confined animals suffer from weakened immune systems that allow dangerous pathogens to proliferate. The Center for Food Safety endorses Question 3 because numerous studies show that egg operations that confine hens in cages have higher rates of *Salmonella*,<sup>14</sup> the leading cause of food poisoning-related death in America.<sup>15</sup>

## Makes economic sense

Most Massachusetts farmers are already cage-free<sup>16</sup> and have shown that affordable food can be produced with animal welfare in mind. According to a study conducted by the egg industry itself, it costs *just a penny per egg* to produce cage-free eggs rather than battery cage eggs.<sup>17</sup> The pork industry published a study that determined it can cost 11 percent *less* not to use gestation crates.<sup>18</sup> And the American Veal Association "recommends that the entire veal industry convert to the group housing methodology,"<sup>19</sup> acknowledging the economic feasibility of such a switch. While it's possible that giving these animals better living conditions may slightly increase the price of eggs, the hidden costs of such inhumane confinement are increased animal suffering and greater food safety risks.

In addition to the ten states that have passed laws prohibiting certain types of extreme confinement, nearly 200 major food retailers and restaurant chains have policies phasing them out.<sup>20</sup> For example, McDonald's is going 100% cage-free and isn't raising prices one cent.<sup>21</sup> Other extremely cost-conscious companies, including Dollar Tree, Walmart, Burger King, and Dunkin Donuts, are also making the switch.<sup>22</sup>

## Constitutionally sound

Question 3 does not prevent anyone from selling their goods in Massachusetts. Like other state laws, it merely says that if they want to sell their goods here, they must comply with commonsense standards. The measure falls squarely within the Commonwealth's power to protect public health, safety, and morals. A similar law in California has withstood numerous legal challenges.<sup>23</sup>

## Straightforward compliance

To give producers and retailers ample time to comply with this measure, it will not take effect until 2022. A retailer will simply need to obtain written assurance—an affidavit—in good faith from a supplier that meat or eggs meet the law's basic standards. The question requires that animals have enough space to turn around freely and fully extend their limbs without touching the sides of the enclosure or another animal, and specifically requires 1.5 square feet of floor space per hen. Penalties are modest; Question 3 assesses a civil penalty of no more than \$1,000 per violation.<sup>24</sup>

While it is possible that some suppliers may want to break the law and falsify documents, that is a hazard with any system. We have not hesitated to ban dogfighting despite the fact that some criminals still fight dogs. The measure requires the Attorney General to promulgate implementation and enforcement regulations by 2020.

## Opposition

The opposition is funded almost exclusively by Forrest Lucas and the National Pork Producers Council (NPPC). Lucas is a Midwestern oil and agribusiness tycoon. An official agriculture advisor to Donald Trump<sup>25</sup> and a likely cabinet member in a Trump administration,<sup>26</sup> Lucas is well-known for his efforts to block any reforms to the puppy mill and factory farming industries, as well as laws that would create stricter penalties for malicious cruelty to dogs and cats. The NPPC is a lobby group that fights to keep breeding pigs locked in crates so small they can barely move. One NPPC executive even proclaimed, "So our animals can't turn around for the 2.5 years that they are in the stalls.... I don't know who asked the sow if she wanted to turn around."<sup>27</sup>

<sup>1</sup> MassLive.com. [http://www.masslive.com/politics/index.ssf/2016/10/question\\_3\\_on\\_farm\\_animal\\_conf\\_1.html](http://www.masslive.com/politics/index.ssf/2016/10/question_3_on_farm_animal_conf_1.html). October 19,



2016.

<sup>2</sup> Citizens for Farm Animal Protection. "Endorsements." <http://www.citizensforfarmanimals.com/endorsements>. August 2016.

<sup>3</sup> Marchant JN, Broom DM. "Effects of dry sow housing conditions on muscle weight and bone strength." *Animal Science*. 1996; 62:105-113

<sup>4</sup> Mendl MT. "The effects of alternative forms of intensive pig husbandry on measures of pig welfare." In: Bradley A, Sckofield WL, eds. *Proceedings of the First Association of Veterinary Students Animal Welfare Symposium*. Cambridge, UK: Association of Veterinary Students; 1991.

<sup>5</sup> United Egg Producers and HSUS. "Historic Agreement Hatched to Set National Standard for Nation's Egg Industry" [http://www.unitedegg.org/homeNews/UEP\\_Press\\_Release\\_7-7-11.pdf](http://www.unitedegg.org/homeNews/UEP_Press_Release_7-7-11.pdf). July 7, 2011.

<sup>6</sup> D'Silva, J. "Adverse impact of industrial animal agriculture on the health and welfare of farmed animals." *Integrative Zoology*, p. 53-58. 2006.

<sup>7</sup> Norgaard-Nielsen, G. "Bone strength of laying hens kept in an alternative system compared with hens in cages and on deep-litter." *British Poultry Science* 31(1):81-9. 1990.

<sup>8</sup> Animal Sheltering magazine. "HSUS Investigation Exposes One of Egg Industry's Cruellest Factory Farms." [http://www.animalsheltering.org/resources/magazine/sep\\_oct\\_2006/hsus\\_investigation\\_exposes\\_egg\\_industry\\_cruellest\\_factory\\_farm.pdf](http://www.animalsheltering.org/resources/magazine/sep_oct_2006/hsus_investigation_exposes_egg_industry_cruellest_factory_farm.pdf). Sept/Oct 2006.

<sup>9</sup> Riddell C, Helmboldt CF, Singsen EP, and Matterson LD. "Bone pathology of birds affected with cage layer fatigue." *Avian Diseases* 12(2):285-97. 1968.

<sup>10</sup> Riddell C. "Non-infectious skeletal disorders of poultry: an overview." In: Whitehead CC (ed.), *Bone Biology and Skeletal Disorders in Poultry*. Poultry Science Symposium Number Twenty-three (Oxfordshire, U.K.: Carfax Publishing Company, pp. 137-8). 1992.

<sup>11</sup> [www.YesOn3.com/endorsements](http://www.YesOn3.com/endorsements).

<sup>12</sup> MassLive.com. "At center of 2016 ballot dispute over cage-free eggs are 3,000 chickens in Western Mass. town." December 4, 2015.

<sup>13</sup> HSUS. "An HSUS Report: Factory Farming in America: The True Cost of Animal Agribusiness." <http://www.humanesociety.org/assets/pdfs/farm/hsus-factory-farming-in-america-the-true-cost-of-animal-agribusiness.pdf>. Accessed October 6, 2015.

<sup>14</sup> HSUS. "Cage Confinement of Laying Hens Increases Salmonella Risk." [http://www.humanesociety.org/issues/confinement\\_farm/facts/salmonella.html](http://www.humanesociety.org/issues/confinement_farm/facts/salmonella.html). Accessed August 25, 2015.

<sup>15</sup> Centers for Disease Control and Prevention (CDC). "CDC Estimates of Foodborne Illness in the United States." <http://www.cdc.gov/foodborneburden/2011-foodborne-estimates.html>. 2011.

<sup>16</sup> News & Views, "President's Corner." Massachusetts Farm Bureau Federation. Sept. 2015.

<sup>17</sup> Bell, Don. "A Review of Recent Publications On Animal Welfare Issues For Table Egg Laying Hens." United Egg Producers Meeting. <http://animalscience.ucdavis.edu/Avian/WelfareIssuesLayingHens.pdf> 2006.

<sup>18</sup> Iowa State University College of Agriculture and Life Sciences. "Alternatives to Sow Gestation Stalls Researched at Iowa State." <http://www.cals.iastate.edu/news/releases/alternatives-sow-gestation-stalls-researched-iowa-state>. 2007.

<sup>19</sup> American Veal Association "Group Housing Resolution." [http://www.americanveal.com/wp-content/uploads/2011/10/GRP\\_HOUSING\\_RESOL1-0507.pdf](http://www.americanveal.com/wp-content/uploads/2011/10/GRP_HOUSING_RESOL1-0507.pdf). 2007.

<sup>20</sup> Pacelle, Wayne, A Humane Nation. "XOXO Sodexo – food service giant makes global cage-free pledge." [http://blog.humanesociety.org/wayne/2016/07/sodexo-makes-global-cage-free-pledge.html?credit=blog\\_post\\_072516\\_id8321](http://blog.humanesociety.org/wayne/2016/07/sodexo-makes-global-cage-free-pledge.html?credit=blog_post_072516_id8321) July 25, 2016

<sup>21</sup> Reuters "McDonald's cage-free egg pledge pressures farmers, squeezes supply." <http://www.reuters.com/article/2015/09/22/us-usa-mcdonalds-eggs-idUSKCNORM27T20150922> September 22, 2015.

<sup>22</sup> Cage Free Future. <http://cagefreefuture.com/>

<sup>23</sup> Food Safety News. "Appeals Court: CA's Proposition 2 Passes Constitutional Muster." <http://www.foodsafetynews.com/2015/02/language-used-in-sizing-laying-hen-cages-passes-constitutional-test/>. February 5, 2015.

<sup>24</sup> An Act to Prevent Cruelty to Animals. <http://www.mass.gov/ago/docs/government/2015-petitions/15-11.pdf>. Accessed October 6, 2015.

<sup>25</sup> Washington Post. "Another group that loses if Trump wins? Animals." September 6, 2016.



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<sup>26</sup> Politico. "Sources: Oil executive on Trump's short list for Interior Secretary." September 19, 2016.

<sup>27</sup> Christian Science Monitor. "Humane animal treatment makes good business sense." April 29, 2014.

