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**The Ohio Livestock Care Standards Board
A Case Study**



College of Veterinary Medicine

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In 2009, the state of Ohio faced growing pressure from the Humane Society of the United States (HSUS) regarding farm animal welfare. The Ohio Farm Bureau and species-specific commodity groups partnered to create a “blocking ballot”, known as Issue 2, to pre-empt the HSUS from imposing its agenda on the state’s animal agriculture industry. Concern over the HSUS agenda stemmed from the HSUS effort in California’s 2008 election when they successfully carried to the ballot an initiative that mandated housing that permitted greater freedom of movement for veal calves, swine, and poultry.

On November 3, 2009, Ohio voters overwhelmingly voted in favor of Issue 2 with 63.66 percent of voters supporting the initiative. Issue 2 called for the formation of a state livestock care standards board and was initiated in response to the HSUS’s planned proposition to ban gestation crates for sows, battery cages for poultry, and modify veal calf confinement in Ohio. With the passage of Issue 2, the Ohio Livestock Care Standards Board (OLCSB) was formed and created legislation for the treatment of livestock in the state of Ohio. That legislation was submitted to the Joint Committee on Agency Rule Review (JCARR), and the hearing before JCARR was scheduled for July 11, 2011.

Setting the Stage

Animal husbandry began with the domestication of animals. Animal husbandry is concerned with the care and handling of domestic animals to ensure that they can meet the purpose for which they are being raised. Early animal agriculture pursuits involved raising small numbers of livestock and poultry, in minimal confinement, for the purpose of supporting a family unit or group of families.

Animal husbandry practices evolved to meet increased human demand for animal-derived food and fiber, while protecting the safety of humans involved in caretaking. The growth of cities and pressure to produce more food at lower costs spurred efforts to increase animal production efficiency. Scientific methods were employed to evaluate different animal husbandry approaches including feeding, housing, handling, health, and breeding. Confinement of turkeys was adopted to reduce losses from predators and exposure to diseases like avian influenza from wild birds. Farrowing crates for sows were introduced to reduce crushing of baby pigs. Attention was focused on increasing production, or weight gain per pound of feed; reducing feed costs; reducing disease; and controlling overhead costs such as labor.

However, the drive for production efficiency in animal agriculture contributed to a shift in thinking about animals. This shift resulted in animals being thought of and treated as production units rather than as individual sentient beings. Because ‘good animal husbandry’ was synonymous with highly productive animals, a ‘function-based’ definition of animal welfare, that emphasized animal performance, became the primary metric by which the animal industries assessed farm animal well-being. As such, practices that decrease productivity, such as animal cruelty, are therefore not considered good animal husbandry.

While animal cruelty is prohibited by both federal and state statutes, regulation of farm animal welfare in the US has not been implemented until relatively recently. The idea of regulating farm animal welfare is not novel, however, as European countries have long promulgated farm animal welfare legislation and regulations. In fact, such regulation began in the United Kingdom in the 1960’s following the publication of Ruth Harrison’s book,

Animal Machines in 1964. This book detailed many aspects of the lives of animals raised on modern farms with descriptions ranging from the castration of livestock to the confinement of poultry in battery cages. With *Animal Machines*, Harrison drew attention to intensive animal agriculture practices in the UK and piqued the interest of the British Government. Harrison's book drew attention to concepts of animal welfare beyond function (production), such as feelings (mind/affective state) and nature (freedom to express natural behaviors). In response to Harrison's findings, the British Government organized the Brambell Commission to look into the welfare of livestock kept in intensive livestock confinement systems. The Brambell Report was published in 1965 and discussed many of the concerns associated with modern farming practices, the most significant threats to the welfare of farm animals, and which practices were in need of reform. It also led to the formation of the Farm Animal Welfare Council in the UK. The Farm Animal Welfare Council is an independent advisory board on farm animal welfare that functions according to the Five Freedoms as outlined by the Brambell Report. The Five Freedoms include: (1) freedom from hunger and thirst- by ready access to fresh water and a diet to maintain full health and vigor; (2) freedom from discomfort – by providing an appropriate environment including shelter and a comfortable resting area; (3) freedom from pain, injury, or disease – by prevention or rapid diagnosis and treatment; (4) freedom to express normal behavior – by providing sufficient space, proper facilities, and company of the animal's own kind; (5) freedom from fear and distress – by ensuring conditions and treatment that avoid mental suffering (Webster, 2011).

The 1965 publication of the Brambell Report marked the official beginning of the animal welfare movement in the UK. The Five Freedoms have since become the benchmark for any and all animal welfare reform in the United States and elsewhere. Even with the publication of the Brambell Report, however, there was still relatively little activity on the subject of farm animal welfare in the United States. That would soon change.

In 1975, Peter Singer published *Animal Liberation*, and in 1983, Tom Regan published *The Case for Animal Rights*, both of which became very influential books on animal protection in the United States. Around this time, nearly fifteen years after the UK's animal welfare debate, the discussion began in the US. In 1980, the animal rights organization PETA, or People for the Ethical Treatment of Animals, was founded. PETA used Singer's *Animal Liberation* to gain momentum and educate the public about their views.

Fast-forward twenty years and animal activist groups such as PETA, HSUS, and Farm Sanctuary have millions of members and supporters petitioning for animal protection, and the US is still struggling to resolve the issues that the UK had been discussing for decades. An argument can be made, however, that the UK could move ahead on addressing farm animal welfare more quickly due to cultural and governmental differences from the US. For one, there is much more national regulation of agriculture in the UK. Nevertheless, when the UK enacted agricultural welfare restrictions and the US did not, a potential trade barrier was created. This necessitated a change in agriculture regulation in the US in order to ensure continued exports of US food animal products.

Negative public perception of contemporary commercial animal agriculture has increased as the size of farms has increased and the number of farms has decreased. The large-scale animal production facilities have been labeled "factory farms," a term coined by Ruth Harrison in 1964. In the public eye, intensification of animal agriculture suggested inhumane treatment of animals.

Starting in the 1990's, in response to the increasingly negative public view of intensive animal agriculture, US animal agriculture organizations began to create voluntary standards and self-regulate their management and housing practices. These programs were called "quality assurance programs" and were essential to keep up with the "new social ethic of compassionate animal farming" (Croney and Millman, 2007).

Quality assurance programs were developed to evaluate the care and handling of production animals. They were developed by producer trade associations, individual producers, retail food industry trade associations, and individual food retailers. In 2001, an organization called the Animal Agriculture Alliance (AAA) was created to represent producer trade associations. The mission of the AAA is to help consumers understand the role of animal agriculture “in providing a safe, abundant food supply for a hungry world” (Animal Agriculture Alliance). The AAA is active in educating the public and serving as a resource for individuals seeking information about animal production, monitoring emerging issues, and promoting the development of animal care guidelines and third-party verification programs consistent with the Principles of Animal Care for the industry that the Alliance identified. The principles that the AAA developed are very similar to the Five Freedoms as laid out by the Brambell Report nearly 40 years earlier and include: (1) animals be provided access to water and nutritionally sound diets; (2) animals be provided health and veterinary care; (3) the living conditions must be sufficient to meet the well-being needs of the animals as appropriate to each species; (4) science-based husbandry practices be implemented; (5) proper handling practices be performed throughout the life of the animal as appropriate to each species; and (6) any transportation should avoid undue stress as appropriate to each species. U.S animal agriculture trade associations including the National Cattlemen’s Beef Association, the Milk and Dairy Beef Quality Assurance Center, the American Veal Association, and the American Sheep Industry, among others, have all developed, or are in the process of developing, quality assurance programs for assessing animal care and handling.

Animal advocacy groups also put pressure on food service industries in order to create a market demand for certain animal husbandry practices. In 1999, McDonald’s Corporation developed an auditing process for their pig and cattle suppliers using the American Meat Industry’s (AMI) standards for management practices. Those management practices were determined by Temple Grandin, a Colorado State University professor and animal welfare advocate. Eventually, McDonald’s dropped the producers that could not meet these standards. Burger King and Wendy’s International quickly followed suit, along with numerous other restaurants and supermarkets governed by the National Council of Chain Restaurants (NCCR) and the Food Marketing Institute (FMI), respectively. Both the NCCR and the FMI also established animal welfare guidelines for their suppliers.

However, agriculture industries “have been extremely successful in preventing regulation of on-farm practices by lobbying against legislation during the subcommittee approval and hearing process that is required before a bill moves to the floor of Congress for a vote” (Mench, 2008). While federal legislation and regulations have been promulgated for research animals, animals in exhibition, animals in sport, and the interstate transport of animals, there is still minimal federal regulation on farm animal welfare.

Despite animal agriculture’s efforts to regain public support through quality assurance programs, animal activist groups continually call for increased regulation by releasing videos depicting alleged inhumane treatment of animals at production facilities. In response, there has been an increase in state and local initiatives and bills, often prompted by animal rights activist groups.

The Science behind the Issues

The three main management issues that animal advocate groups, such as the HSUS, have recently focused their attention on are gestation crates for pregnant sows, battery cages for poultry, and veal crates. For all of these issues there are positive and negative aspects that need to be taken into consideration.

Gestation Stalls

The housing of pregnant sows in gestation stalls is currently a hotly debated topic in farm animal welfare. Numerous studies have been conducted about whether the stalls meet the needs of the animals, or if sows would be better off in alternate housing (i.e. group pens). Scientists in Europe suggest that gestation stalls cause behavioral deprivation and should be phased out. Alternatively, Australian scientists believe the stalls improve sow welfare on the grounds of biological function (Fraser, 2003). What makes these studies so different and difficult to replicate is that “welfare” can be measured and interpreted in many different ways (McGlone et al., 2004b).

Approximately 95 percent of sows in the US are housed in gestation stalls (Bowman et al., 1996). Producers are partial to gestation stalls because they promote “caretaker safety and efficiency, maximize the efficiency of space utilization, require reduced capital investment relative to other sow housing systems, and have notable benefits for sow welfare” (Cronney and Millman, 2007). Benefits include better growth rates, increased production levels, and the prevention of harmful and unwanted behaviors. Those unwanted behaviors can include overeating to the point of obesity and increased competition and fighting when sows are put in groups (Deen, 2005).

Unfortunately, in order to keep costs low and maximize the number of pigs in a facility, some producers have taken to using crates that are much too small and do not allow the sow to turn around or lie down comfortably (McGlone et al., 2004a). Additionally, sows often develop behavioral problems when housed in stalls, such as bar biting, sham chewing, and polydipsia (Terlouw et al., 1991; Haskell et al., 1996). It is conjectured that these behaviors are the result of a sow’s inability to perform natural foraging behaviors in gestation stalls, which causes them much stress (Wemelsfelder, 1984; Lawrence and Terlouw, 1993; Appleby, 2005). Taking into consideration what is known about swine intelligence and their ability to solve complex problems, it seems reasonable that lifelong housing in crates might cause sows to suffer as a result of boredom and frustration and thus have reduced welfare (Cronney and Millman, 2007).

Battery Cages

Similar to the sow housing issue, there are many uncertainties regarding the behavior, productivity, and mortality rates of laying hens housed in aviaries as opposed to battery cages (Taylor and Hurnik, 1996). Some research shows that the welfare of hens may even be decreased in alternative housing, as problems such as cannibalism are common occurrences in non-cage systems where birds of certain genetic strains are not adapted to living in large groups (Appleby, 2003). Other common problems in alternative hen housing include feather pecking and increased incidence of disease (Flock et al., 2005). Conventional cage systems, however, are not without their own problems.

Cage systems do not allow hens to express their telos, or inherent nature (Rollin, 1995). It is in the nature of a hen to nest and lay her eggs, dust-bathe, peck, scratch, and forage. Studies have shown that hens will exhibit these behaviors even when they are housed on wire footing and food is provided freely in trays (Nicol and Dawkins, 1990). Brooding behavior is such an innate response in hens that even though genetic selection has selected against these traits, when commercial hens are put into a natural environment they will perform nest seeking behaviors (Duncan et al., 1978). Thus, the argument for open housing systems for laying hens has been advocated as a means to allow hens an opportunity to express their natural behavior. However, there is much dispute about how well behavioral indications of animal suffering and the actual amount of suffering experiences are correlated. Nevertheless, in Europe, cage systems will be phased out by 2012, despite speculation that “production costs associated with alternative housing may increase by 5- 50 percent depending on the type of system that is implemented (Cronney and Millman, 2007).

Veal

Similar to the manner in which swine are housed, veal calves are often kept tethered so they cannot turn around or come into contact with other calves. The issue of whether veal calves, particularly under 10 weeks of age, should be allowed to turn around and be housed with other calves is mainly a health issue. If housed in groups, or with more space to roam next to other calves, the veal calves may exhibit cross sucking and may cause increases in the contamination of feed and water. Cross sucking is where calves suck on the navels of other calves and can potentially cause diseases. Thus, tethering veal calves can lessen mortality by preventing cross sucking and decrease feed costs by preventing contamination with fecal matter.

Some producers, however, note that group housing of veal calves has proved to be successful, with increased feed conversion and no increases in mortality. Due to this success, and pressure from the public and animal advocate groups, the American Veal Association has called for the transitioning of all veal calves to group housing by 2017. Still, some farmers feel that this is the wrong decision and would rather go out of business than switch to group housing. "Ethically, I cannot go to the group system," noted one producer. "I ethically have a moral responsibility to take the best care of my calves that I know how, and this system [tethering calves] is that," he said (Kick, 2010). It should be noted that the British veal industry collapsed when veal crates were banned in the UK in the 1990's. Further, the ban effectively decreased the welfare of British calves as they were transported to continental Europe, where veal crates were still used, and thus were subjected to the additional stress of transport (Croney and Millman, 2007).

The transition to alternative housing for veal calves, pregnant sows, and laying hens must be carefully considered. If care is not taken to make the best decision, further detriment may be caused to livestock. Thus, it is important that science, as well as ethics, be considered.

The Ohio Story

In 2001, the Humane Society of the United States (HSUS) and the Farm Sanctuary partnered to get animal welfare issues on the ballot in the US. They focused first on downer cows, specifically non-ambulatory veal calves, and petitioned the USDA Food Safety and Inspection Service (FSIS) that (1) veal calves that are too cold or too weak to get up to be condemned from slaughter and humanely euthanized, and (2) to prohibit the slaughter of non-ambulatory, disabled sheep, pigs, goats, and other livestock. Even though there were already federal regulations in place that required the condemnation of downer animal meat, the HSUS and Farm Sanctuary argued that animals were being kicked, shocked, and abused in order to make them get up and walk, thereby not being considered "downer" animals and still being slaughtered for consumption (Bernard, 2011).

After their initiative on downer animals, the HSUS first challenged the animal agriculture industry in Florida where they garnered over 600,000 signatures from voters to put their initiative on gestation crates on the ballot. In November 2002, the initiative known as Amendment 10 passed, and gestation crates were banned from the state. The six year phase-out period ended on November 5, 2008. The very few operating swine farms in Florida chose to close their doors.

Next, the HSUS and Farm Sanctuary targeted Arizona with a similar initiative that also resulted in veal crate use being terminated in that state. That initiative, Proposition 204, also passed, and on November 8, 2006, Arizona became the second state in the U.S. to effectively ban gestation crates for sows and the first state to prohibit the use of veal crates. The effects of the Florida and Arizona initiatives were minimal as neither is a major swine production state. For example, only 0.22 percent of US breeding swine were housed in Arizona (Mench, 2008).

In November 2008, Proposition 2 in California was voted on; it passed against recommendations from the AVMA that voters seriously consider the impacts of the proposition. The HSUS's California initiative did not fully represent science in their imposed standards for the housing of laying hens, swine, and veal calves. Thus, the AVMA warned that the initiative may cause more harm to livestock, particularly laying hens, as the emotion-based legislation did not consider the increased risks of disease associated with alternative laying hen housing (AVMA, 2008). The passing of Proposition 2 was a major victory for the HSUS as California is the 5th largest egg producing state in the US.

As the HSUS and Farm Sanctuary increased their activities, lobbying more and more against animal agriculture practices, they began to closely watch the state of Ohio, whose number one industry is agriculture. Then, in 2007, a video of hog abuse at Wiles Farm in Wayne County, OH was made public. The outcry from the public and animal advocate groups began, and in February 2009, the HSUS approached agriculture leaders in Ohio and made known their intent to initiate a ballot proposal to prohibit poultry, veal, and sow housing that did not allow the animals to turn around completely without touching the sides of their enclosures, or each other, and fully extend their limbs.

After meeting with the HSUS in February 2009, the Ohio Farm Bureau, Ohio Governor Ted Strickland, and other animal agriculture officials assembled to put their own initiative, Issue 2, on the ballot. Issue 2 took the form of an amendment to the state Constitution of Ohio and called for the creation of the Ohio Livestock Care and Standards Board. The OLCBSB would create new standards for the care of livestock animals in the state of Ohio based on scientific and ethical input.

In November 2009, voters approved Issue 2 in Ohio with 63.66 percent of Ohio voters supporting the initiative. Following the election, the HSUS reported that they were ready to move forward and create "real reform" in the state. The HSUS would need 400,000 signatures to get their proposal on the November 2010 ballot. If the HSUS were to put through their own constitutional amendment, it would negate the formation of the board, as a second constitutional amendment on the same matter has precedent (Smith, 2009). In June 2010, just as the HSUS and Ohioans for Humane Farms were going to deliver more than 500,000 signatures to the Secretary of State in petition for their own anti-factory farming measure, an agreement was reached with the Ohio Farm Bureau, several agricultural commodity groups, Governor Ted Strickland, and the HSUS.

The agreement called for the phase-out of extreme confinement systems for breeding pigs and veal calves, an immediate moratorium on battery cage construction, and other animal welfare reforms to be implemented. This agreement served to put a hold on the HSUS planned factory-farming initiative on the November 2010 ballot in Ohio. After signing the agreement, the OLCBSB went to work creating state standards for each individual livestock species.

The HSUS had targeted Michigan for similar legislation just prior to Ohio. However, both states took drastically different approaches. While Ohio fought to create their own standards, the governor of Michigan signed a bill after exhaustive negotiations between the HSUS and agricultural industries in the state. Michigan's approach was to avoid a costly ballot initiative (on both sides), which would have likely resulted in more stringent policies on livestock care standards as well as a shorter phase-out time for the housing requirements. Michigan's legislation mandated that any pig during pregnancy, calf raised for veal, and egg-laying hen that is kept on a farm, must be housed so that the animal could lie down, stand up, and turn around freely. Exceptions to the legislation include "research, veterinary treatment, transportation, rodeos and state fairs, during slaughter and, in the case of pregnant sows, housing seven days before expected birth" (AVMA, 2009). Michigan producers were given 10 years to meet the terms for pregnant sows and laying hens and three years to meet the veal calf restrictions.

Process Design of OLCSB

After the November 2009 election, the Ohio Livestock Care Standards Board was assembled. The board consists of 13 members including the Ohio director of agriculture as the chairperson. The other members include one member appointed by the Senate, one member appointed by the House of Representatives, and the remaining 10 members are appointed by the governor with the advice and consent of the senate. Those 10 members must be residents of the state of Ohio and must fall into the categories below:

- (a) One member representing family farms
- (b) One member who is knowledgeable about food safety
- (c) Two members representing statewide organizations that represent farmers
- (d) One member who is a veterinarian licensed under Chapter 4741. of the Revised Code
- (e) The state veterinarian in the department of agriculture
- (f) The dean of the agriculture department of a college or university located in this state
- (g) Two members of the public representing consumers in the state, and
- (h) One member representing a county humane society organized under Chapter 1717. of the Revised Code

In addition, no political party can be in the majority at any given time. Therefore, there are not to be more than seven members from the same political party on the board at any given time. However, the director of agriculture is exempt from this rule as the director of agriculture is a required member on the board.

The 13 member board oversees a Technical Research Advisory Committee (TRAC). The board provides guidance to the TRAC on identifying research and information needs and is also responsible for making the final decisions on livestock care standards.

The TRAC was composed of academic experts in the fields of veterinary medicine and animal science. The TRAC researched prevailing standards of livestock care for each species. Working with the subcommittees, the TRAC relayed recommendations and information to the board for final deliberation.

Working under the TRAC were species subcommittees that were composed of experts in their respective fields. It was the task of the species subcommittees to provide their species' specific research to the TRAC. The species subcommittees included a bovine (cattle) subcommittee, broken down into veal, dairy, and beef; a poultry subcommittee, broken down into layers, turkeys, and broilers; as well as subcommittees for porcine (swine), caprine (goats), ovine (sheep), equine (horses), and one for alpacas and llamas.

The first meeting of the OLCSB was April 28, 2010. After that the board met every two weeks through April 2011. The species subcommittees and TRAC met concurrently, but on opposite weeks of the OLCSB meetings. During that time period, the board drafted standards for the care and general well-being of livestock and poultry in the state of Ohio. In creating those standards, the board took into consideration such factors as (1) best management practices for the care and well-being of livestock; (2) biosecurity; (3) the prevention of disease; (4) animal morbidity and mortality; (5) food safety practices; (6) the protection of local, affordable food supplies for consumers; (7) generally accepted veterinary medical practices, livestock practice standards, and ethical standards established by the American Veterinary Medical Association; and (8) any other factors that the board considers necessary for the proper care and well-being of livestock in the state.

Taking those factors into consideration, the board set out to create standards of care for livestock for each individual species. Standards were developed for the euthanasia of livestock and poultry; the handling of disabled

and distressed livestock; and for transportation, management, and feed and water requirements for each individual species.

The topic of management included housing, lighting, methods of tethering, and species-specific management practices. Each topic was heavily debated, taking into consideration the suggestions from the species subcommittees and the TRAC. Tail docking in dairy cattle is just one controversial management practice that was discussed by the OLCSB, and it will be focused on in this study.

Conclusions

Regulation of farm animal welfare is currently a major discussion in the United States. Increasing public awareness efforts by both animal advocate groups and livestock producer groups contribute to the controversy by promoting alternate constructs of how animal welfare decisions should be reached. Often the controversy is portrayed as animal rights or emotion vs. science. In fact, animal welfare can be approached from multiple constructs such as function, feelings and nature. The most sound animal welfare decisions are those that take all of these constructs into consideration and look at all aspects of an animal's life. The relatively new idea of animal welfare science addresses three main welfare concerns, including biological functioning, natural living, and affective state. Proposed solutions that address only one of these concerns often accentuate another and create additional problems.

The issues of veal calf housing, sow gestation crates, and poultry cages will be debated for years to come. There is no consensus on the definition of animal welfare. Since studies pertaining to topics of animal welfare depend on the definition of animal welfare used by the researcher, there may never be a decisive answer as to the best methods for housing or managing livestock. However, it is imperative for producers to continually strive for the best care for their animals and for animal scientists and veterinarians to promote better understanding of and responsible decision-making on animal welfare.

Case study questions:

- How does the Ohio Livestock Care Standards Board reconcile the different definitions of animal welfare used by various stakeholders?
- Given the highly polarized nature of animal welfare issues, what strategies are available to facilitate the adoption of animal welfare regulations?
- How would the issue of tail docking in dairy cattle be handled by the OLCSB?
 - How is tail docking seen from a functional, feeling and nature perspectives?
 - What is the science?
 - How would you craft a recommendation regarding tail docking of dairy cows?

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