



# Transatlantic Trade and Investment Partnership (TTIP)



## TTIP and Animal Welfare

Humane Society International (HSI) and World Animal Protection would like to thank Chairman Nunes for holding the "Hearing on Advancing the U.S. Trade Agenda: Benefits of Expanding U.S. Agriculture Trade and Eliminating Barriers to U.S. Exports" and his leadership on this issue. Our organizations represent two of the largest animal protection organizations in the world, with millions of supporters. HSI and World Animal Protection (formerly the World Society for the Protection of Animals (WSPA)) are active TTIP stakeholders, participating in the negotiations in a variety of ways. We are cleared Trade and Environment Policy Advisory Committee (TEPAC) advisors to the U.S. Trade Representative's Office. We are also members of an active coalition both in the United States and in Europe, consisting of numerous environmental, conservation, and animal protection groups. Additionally, we have presented our joint positions at stakeholder events held during each negotiating round since July 2013. We meet regularly with U.S. and EU negotiators to share our expertise on a variety of TTIP issues, some of which relate to animal welfare concerns both in the Sanitary and Phytosanitary chapters as well as broadly in the agreement as whole. We thank Chairman Nunes and the House Ways and Means Committee for the opportunity to submit our comments for this hearing.

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Animal products represent around 10 percent of all agricultural trade between the U.S. and EU. According to the European Commission, in 2013, the trade in farm animal products represented approximately \$3.4 billion. TTIP is highly likely to increase this trade - or, at a minimum, increase trade opportunities - in agricultural products, including meat, egg, and milk products. Farm animal welfare standards observed during the production of these products is currently much higher in the European Union. However, public opinion indicates that both U.S. and EU citizens recognize the importance of higher animal welfare and the private sector is reacting to these consumer concerns.

HSI and World Animal Protection see trade policy as an essential driver to improve animal welfare standards. We recommend that farm animal welfare standards be harmonised upwards in TTIP, setting the more advanced EU standards as a minimum starting point for negotiation on specific animal product categories.

### Animal Welfare Advances in the European Union

In the European Union, animal welfare has been incorporated in all major Treaties affecting the functioning of the EU: the 1992 Maastricht Treaty, the 1997 Amsterdam Treaty and more recently the Lisbon Treaty of 2009. The Lisbon Treaty lists the key principles the EU should respect and Article 13 states that "the Union and the Member States shall, since animals are sentient beings, pay full regard to the welfare requirements of animals." This puts animal welfare on equal footing with other key principles mentioned in the Treaty, such as gender equality, sustainable development, consumer and data protection. The EU has made substantial progress in the area of farm animal welfare, with bans and restrictions on the most extreme confinement systems. The following EU Directives cover the welfare of a range of farm animals:



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- Council Directive 2001/88/EC on minimum standards for the protection of pigs: prohibiting sow stalls except for the first four weeks of pregnancy the sow stall for most of a sow's pregnancy from 2013.
- Council Directive 98/58/EC concerning the protection of animals kept for farming purposes: states that animals should not be bred or fed in ways that may cause suffering.
- Council Directive 1999/74/EC of 19 July 1999 establishing minimum standards for the protection of laying hens: bans the barren battery cage in the EU from 2012.
- Council Directive 2007/43/EC laying down minimum rules for the protection of chickens kept for meat production: sets maximum stocking densities to avoid overcrowding and defines other minimum housing and management conditions.
- Council Directive 2008/120/EC of 18 December 2008 (consolidating previous legislation) laying down minimum standards for the protection of pigs: prohibits routine tail docking of growing pigs and requires sufficient enrichment material to allow the pigs "proper investigation and manipulation activities."
- Council Directive 2008/119/EC (consolidating previous legislation) laying down minimum standards for the protection of calves: prohibiting the use of crates to confine young calves.

Additionally, the EU has progressively sought global leadership in animal welfare through trade policy, having negotiated the inclusion of animal welfare considerations in the EU-Chile Free Trade Agreement (FTA) and, most recently, in the EU-Korea FTA. The Sanitary and Phytosanitary (SPS) Chapter of the EU-Chile FTA states that, "given the importance of animal welfare, with the aim of developing animal welfare standards and given its relation with veterinary matters, it is appropriate to include this issue in this Agreement and to examine animal welfare standards taking into account the development in the competent international standards organisations."<sup>1</sup> The SPS Chapter of the EU-Korea FTA states in its objectives "this Chapter aims to enhance cooperation between the Parties on animal welfare issues, taking into consideration various factors such as livestock industry conditions of the Parties."<sup>2</sup>

Since the adoption of the Lisbon Treaty in 2009, all EU Free Trade Agreements include animal welfare provisions and TTIP should be no exception. If TTIP seeks to become a model 21<sup>st</sup> century FTA, it must build on progress already made on this issue.

### **Animal Welfare Considerations in the United States**

Unfortunately, the U.S. has been less active than the EU with respect to animal welfare. At the Federal level, the Humane Methods of Slaughter Act (HMSA) and the Twenty-Eight Hour Law of 1873 protect farm animals in some capacity. HMSA requires that livestock be rendered unconscious in a humane manner prior to slaughter. It applies to farm animals on only one day of their lives and is lacking in terms of enforcement and penalties for violators. Significantly, HMSA has been interpreted by the USDA not to apply to poultry, which account for approximately 95 percent of all land animals raised for food in the United States.

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<sup>1</sup> EU-Chile Free Trade Agreement, ANNEX IV, 1045 (2003).

<sup>2</sup> EU-South Korea Free Trade Agreement, Chapter 5, Article 5.1, L 127/18 (2011).



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The Twenty-Eight Hour Law, states that transporters may not confine animals in a vehicle or vessel for more than 28 consecutive hours without unloading for feeding, water, and rest. This is contrasted with EU Council Regulation No 1/2005 which has similar requirements after only 8 hours of transport.

Another major federal law in the U.S. pertaining to animal protection is the 1966 Animal Welfare Act (AWA). But this Act specifically excludes animals raised for food, which are not considered “animals” within this legislation, and therefore AWA provisions do not apply to them. There are also state laws against animal cruelty, but many have agriculture exceptions, whereby they do not apply to farm animals or exempt customary agriculture practices that effectively cover almost everything that occurs on a farm. In cases where the state animal cruelty laws do not have such exceptions, enforcement can be weak with respect to farm animals.

Animal welfare is, however, an issue of importance to American consumers and individual states have begun to pass additional protections for farm animals. California and Michigan have already imposed restrictions on barren battery cage confinement of egg laying hens. Nine U.S. states (California, Oregon, Colorado, Rhode Island, Maine, Michigan, Ohio, Florida, and Arizona) have passed laws that will prohibit the use of individual sow stalls to confine breeding sows. Seven states (California, Colorado, Rhode Island, Maine, Michigan, Ohio, and Arizona) have similar laws prohibiting veal crates.

Additionally, leading food companies in the U.S. have acted upon the marketing opportunity afforded by higher animal welfare standards. These include Burger King, Walmart, Kraft Foods, General Mills, and Con Agra Foods which have adopted cage-free egg procurement policies, and many more have announced that they will eliminate sow stalls from their supply chains in the United States. The latter include McDonald's, Wendy's, SUBWAY, and Oscar Mayer. An American Farm Bureau poll found that 95 percent of Americans believe farm animals should be well-cared for.<sup>3</sup>

## Conclusion

While farm animal welfare standards are currently higher in the EU, both EU and U.S. citizens recognize the importance of higher animal welfare. Farm animal welfare standards must be harmonized upwards, setting the more advanced EU standards as a minimum starting point for negotiation on specific animal product categories. Mutual recognition of standards is not an acceptable approach since it requires that the European Union accept market entrance for products that do not meet animal welfare standards imposed on domestic producers. HSI and World Animal Protection recommend that TTIP go further to protect farm animals, specifically on issues relating to housing, painful mutilations, and feeding practices. With the regulatory differences highlighted in these comments, we seek reassurance that TTIP's regulatory coherence agenda – described by the negotiators as an opportunity to develop cross-cutting disciplines on regulatory practices - will not lead to a race to the bottom.

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<sup>3</sup> <http://asp.okstate.edu/baileynorwood/Survey4/files/InitialReporttoAFB.pdf>



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