



Veterinary Association for Farm Animal Welfare

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October 29, 2024

The Honorable Debbie Stabenow
Chairwoman

U.S. Senate Committee on Agriculture, Nutrition, and Forestry
328A Russell Senate Office Building
Washington, D.C. 20510

The Honorable John Boozman
Ranking Member

U.S. Senate Committee on Agriculture, Nutrition, and Forestry
328A Russell Senate Office Building
Washington, D.C. 20510

Dear Chairwoman Stabenow and Ranking Member Boozman,

The Veterinary Association for Farm Animal Welfare (VAFAW) is a 501(c)(3) nonprofit organization dedicated to advocating for animals used in food and fiber production by providing a veterinary perspective grounded in animal welfare and ethics. On behalf of the veterinarians, veterinary students, veterinary technicians, academics, researchers, and advocates who are VAFAW members, we write to express our strong opposition to the inclusion of the Ending Agricultural Trade Suppression (EATS) Act (S.2019) or similar language in any reauthorization of the Farm Bill.

Veterinarians take an oath to use their "scientific knowledge and skills for the benefit of society through the protection of animal health and welfare, the prevention and relief of animal suffering . . . [and] the promotion of public health."¹ Because of this oath, we share the concerns of nearly 200

¹ American Veterinary Medical Association. (n.d.). Veterinarian's Oath. Available at: <https://www.avma.org/resources-tools/avma-policies/veterinarians-oath#:~:text=Being%20admitted%20to%20the%20profession,of%20public%20health%2C%20and%20the>. Accessed October 11, 2024.

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members of Congress² and a wide range of stakeholders³ that state-level deregulation of animal agriculture will have devastating consequences on animal welfare, public health, and food safety. We believe the EATS Act compromises veterinarians' professional autonomy and jeopardizes their ability to meet the needs of their local communities.

As you know, restrictions or bans on the intensive confinement of farm animals have been implemented in numerous states. These laws are consumer-driven and demonstrate bipartisan consensus by voters. Concerns about intensive confinement housing systems, like gestation stalls for pregnant pigs and battery cages for hens raised for egg production, are well-founded. Studies have repeatedly shown the physical harm and psychological distress imposed by these housing systems.⁴ Egg-laying hens are packed into cages so tightly they can't spread their wings, and pregnant sows are kept for months in pens so small that they can't turn around. Such housing systems curtail most bodily movements, frustrate the expression of highly motivated behaviors, deny any opportunity for positive welfare, and often lead to an array of painful health problems.⁵ The voters who express opposition to these practices and demand higher welfare standards should not be dismissed by federal law. Additionally, as described by a coalition of pork companies and independent hog farms, the significant financial investments farmers have made to come into compliance with these state laws should not be wasted.⁶

Beyond the threat to animal welfare posed by the EATS Act, advancing the legislation will also jeopardize the veterinary profession. Veterinarians are highly educated and trained professionals who require autonomy to effectively carry out the responsibilities described in their oath. Veterinary medicine in animal agriculture requires ethical decision-making and balancing conflicting interests. Some argue, without evidence, that the EATS Act would protect veterinary autonomy by removing state-imposed restrictions on how animals are raised. However, VAFAW challenges this view, noting that it conflates veterinary autonomy with that of animal owners and integrators. There are numerous ways that the EATS Act would undermine veterinary autonomy.

² Congressional Office of Earl Blumenauer. (2023, August 21). *Blumenauer, Fitzpatrick, 160+ House Members Urge Ag Committee to Reject EATS Act* [Press release]. <https://blumenauer.house.gov/media-center/press-releases/blumenauer-fitzpatrick-160-house-members-urge-ag-committee-to-reject-eats-act>; Feinstein, D., Booker, C.A., Padilla, A. et al. (2023). Letter to Debbie Stabenow and John Boozman. Available at: <https://drive.google.com/file/d/1H6wjoTd2ZolCQO6m-xASuHbupPdKdRy/view>.

³ Agri-Cultura Cooperative Network, American Grassfed Association, American Indian Mothers, et al. (2024). Multi-stakeholder Letter Opposing Eats Act. https://www.vafaw.org/files/ugd/231617_5e16c36ad1934a9db9996818e09b3986.pdf

⁴ Hartcher, K. M., & Jones, B. (2017). The welfare of layer hens in cage and cage-free housing systems. *World's Poultry Science Journal*, 73(4), 767–782. <https://doi.org/10.1017/S0043933917000812>; EFSA Panel on Animal Health and Welfare. (2022).

Welfare of pigs on farm. *EFSA journal. European Food Safety Authority*, 20(8), e07421. <https://doi.org/10.2903/j.efsa.2022.7421>.

⁵ EFSA Panel on Animal Health and Animal Welfare. (2023). Welfare of laying hens on farm. *EFSA journal. European Food Safety Authority*, 21(2), e07789, <https://efsa.onlinelibrary.wiley.com/doi/full/10.2903/j.efsa.2023.7789>; Brief for Donald Broom, Elena Contreras, et al. as Amici Curiae Supporting Respondents, Nat'l Pork Producers Council v. Ross, Sec'y of the Cal. Dept. of Food & Agric., 598 U.S. 356 (2023) (No. 21-468). https://www.supremecourt.gov/DocketPDF/21/21-468/233565/20220815174931670_Broom%20et%20al.%20amicus%20brief%20-%20Nat%20Pork%20v.%20Ross%20-%20No.%2021-468.pdf.

⁶ Oatman, Rb. (2024). Pork coalition forms in support of Prop 12, Q3. *Meat + Poultry*. Available at: <https://www.meatpoultry.com/articles/30800-pork-coalition-forms-in-support-of-prop-12-q3>.

As discussed in the literature on veterinary ethics, in spite of the oath veterinarians take upon entering the profession, “in the absence of owner consent, vets have very few powers to protect animal welfare.”⁷ This is certainly the case for veterinarians employed by the large corporate entities that own the vast majority of pigs and egg-laying chickens in the U.S. The state-imposed animal housing laws targeted by the EATS Act support the autonomy of food animal veterinarians by incentivizing farm operators to adopt the evidence-based practices that their veterinarians encourage to improve animal welfare. The EATS Act would undo these state laws, effectively undermining veterinarians’ autonomy and authority. In some cases, recommendations for care that align with the veterinarian's oath of practice and advance animal health and welfare will be dismissed, or deemed unlawful through preemption, without the requirement for higher standards set by the state in which they work.⁸

By slowing or reversing the transition to group housing systems, the EATS Act would also effectively limit the type of practice environments available for food animal veterinarians. As is, the long-standing shortage of food animal veterinarians in the U.S. is theorized to be caused at least in part by a mismatch between, on the one hand, the moral orientation of veterinary students and new graduates, and on the other, animal agriculture’s focus on overall efficiency rather than individual animal care.⁹ Researchers in this area note the importance of veterinarians remaining “autonomous protectors of animal health and welfare.”¹⁰ A federal preemption of state laws under the EATS Act will force veterinarians to practice in a “one-size-fits-all” environment that thwarts their judgment and compromises the profession’s integrity.

In addition to impacting veterinary autonomy as it relates to animal welfare, the EATS Act also undermines the role veterinarians play in protecting the public’s health. The bill's broad definitions could catastrophically weaken regulatory oversight of American food systems, undoing hundreds of laws that were carefully crafted to address states' unique needs for food production and safety. According to a legislative analysis by Harvard Law School, more than 150 regulations requiring veterinary inspections of animals crossing state lines (a key disease-control measure) could be preempted by the EATS Act.¹¹ To protect the public’s health, states set food-related policies that take into consideration the regional climate, the environment, the threat of zoonotic diseases, and the animal species raised. Regulations addressing avian influenza, African swine fever, tuberculosis, and brucellosis are several examples of how states work to keep animals and people healthy.¹² The EATS Act could nullify critical public health regulations,

⁷ Hiestand K. M. (2022). The autonomy principle in companion veterinary medicine: A critique. *Frontiers in veterinary science*, 9, 953925. <https://doi.org/10.3389/fvets.2022.953925>.

⁸ Harvard Law School Animal Law & Policy Program. (2023). Legislative Analysis of S.2019 / H.R.4417: The “Ending Agricultural Trade Suppression Act.” Available at: <https://animal.law.harvard.edu/wp-content/uploads/Harvard-ALPP-EATS-Act-Report.pdf> . Referred to hereafter as Harvard Legislative Analysis.

⁹ Narver H. L. (2007). Demographics, moral orientation, and veterinary shortages in food animal and laboratory animal medicine. *Journal of the American Veterinary Medical Association*, 230(12), 1798–1804. <https://doi.org/10.2460/javma.230.12.1798>.

¹⁰ *Ibid.*

¹¹ Harvard Legislative Analysis.

¹² Harvard Legislative Analysis.

including milk quality standards, kosher and halal labeling laws, and restrictions on fish and shellfish sourcing.¹³

Further, the EATS Act may drive industry consolidation and advance foreign interests in our food supply.¹⁴ By removing state-level regulations, the Act would allow foreign-owned conglomerates to operate with reduced barriers to entry, potentially adopting harmful practices such as the overcrowded "pig skyscrapers" seen in China and supplanting smaller local farmers in the market. These resulting changes would make the U.S. food supply chain more vulnerable to disruptions and foreign influence. It would also jeopardize the economic opportunities and investments of American family farmers who, collectively, have spent millions to become compliant with measures like Prop 12 and Question 3.¹⁵

In conclusion, we respectfully request that you resist efforts to include the EATS Act or similar language in any reauthorization of the Farm Bill. The individuality of the states, the welfare of farm animals, the public's health, and the autonomy of veterinarians must be protected. Thank you for the careful consideration of these comments. If VAFAW can be of any further assistance to the committee, please don't hesitate to contact Cameron Krier Massey, Director of External Affairs and Advocacy, at ckmassey@VAFAW.org.

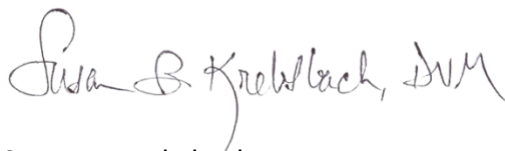
Respectfully,



Gwendolen Reyes-Illg, DVM, MA
Board Member, Chair
Director of Policy Development



Cameron Krier Massey, JD, MPH, MSc
Director of External Affairs & Advocacy



Susan B. Krebsbach, DVM
Executive Director

¹³ *Ibid.*

¹⁴ Clayton, C. (2024). GOP Conservatives Oppose EATS Act Over Chinese Influence in US Pork Industry. *Progressive Farmer*. Available at: <https://www.dtnpf.com/agriculture/web/ag/blogs/ag-policy-blog/blog-post/2024/03/08/gop-conservatives-oppose-eats-act-us>.

¹⁵ Oatman, Rb. (2024). Pork coalition forms in support of Prop 12, Q3. *Meat + Poultry*. Available at: <https://www.meatpoultry.com/articles/30800-pork-coalition-forms-in-support-of-prop-12-q3>.