



State Policies for Farm Animal Welfare in Production Practices of U.S. Livestock and Poultry Industries: An Overview

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What Is the Issue?

Since 2002, 14 States have enacted laws governing their animal agricultural industries' production practices prior to slaughter. These policies have focused on confinement practices in the pork, veal, and egg industries, often restricting production practices or sales of noncompliant animal products. This report examines State farm animal welfare laws enacted since 2002 to better understand the timing, scope, and geographic distribution of market impacts on livestock industries, as well as the legal and legislative environment surrounding these policies.

What Did the Study Find?

Most national production in animal agricultural industries occurs outside of the States enacting animal welfare legislation. However, retail sales restriction policies apply to all products sold within a State, including those imported from States without similar production laws. A few examples:

- Eleven States have passed bans on the use of veal crates or gestation crates for sows. By 2026, gestation crate bans will directly cover over 7 percent of the U.S. breeding sow herd but nearly 18 percent of breeding operations. Veal crate bans will cover over 13 percent of U.S. operations by the end of 2022.
- Ten States have enacted policies that prohibit the confinement of hens beyond a minimum space requirement or the use of cages in poultry and egg production. By 2026, 17 percent of U.S. egg-laying operations will be covered by these restrictions, an increase from approximately 3 percent of operations in 2021. Sales bans on eggs produced in noncompliant operations will reach nearly 25 percent of the U.S. population by 2026. Cage-free egg production increased in recent years, along with more legislation and retailer and food-service pledges, with 24 percent of U.S. laying hens kept in cage-free operations in 2021.

International trade can also be affected by animal welfare standards, as in the following examples:

- States with bans on confined or caged egg production on average account for over 41 percent of U.S. shell egg exports.



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- State policies do not impact shell egg imports, and all pork imports to States with impending retail sales restrictions originate in the European Union or Canada, where production policies or voluntary commitments are driving a trend toward gestation-crate-free production. Animal welfare issues are also becoming provisions of interest in some trade agreements.

Legal challenges and legislative efforts in response to State animal welfare policies have been largely unsuccessful. Policies similar to those already in place were proposed in other States. The historical success of the passage of current policies through legislative channels indicates future policies may be expected, expanding the coverage of these policies in their respective industries.

How Was the Study Conducted?

State farm animal welfare policies enacted since 2002 were compiled and mapped from several sources, including State legislative libraries and repositories; American Veterinary Medical Association reports; and local, national, and stakeholder news sources. Policies were sorted based on similar provisions, excluding laws focused on slaughter practices, laws that established oversight or regulatory bodies, and laws unrelated to the direct regulation of farm animal production practices. ERS also collected case documents and proposed legislation to describe the legal and legislative response to State policies. The extent of State policy coverage was examined, using average State operation and inventory data from 2002 to 2021 from USDA, National Agricultural Statistics Service to construct descriptive statistics and visual representations. Additional market impacts were assessed using U.S. Department of Commerce, Bureau of the Census data on State exports, imports, and population, as well as USDA, Agricultural Marketing Service data on cage-free egg production.