



July 31, 2020

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
The Capitol
Washington, DC 20515

The Honorable Mitch McConnell
Majority Leader
U.S. Senate
The Capitol
Washington, DC 20510

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives
The Capitol
Washington, DC 20515

The Honorable Charles Schumer
Minority Leader
U.S. Senate
The Capitol
Washington, DC 20510

Dear Speaker Pelosi, Leader McConnell, Leader McCarthy, and Leader Schumer:

The COVID-19 crisis has caused unprecedented disruptions for our nation's already precariously balanced animal agriculture sector. The impact on supply chains, fluctuations in demand, and dangerous working conditions for vulnerable employees at slaughter facilities have led to producers "depopulating" their animals because they are unable to send them to slaughter. We urge you to ensure that taxpayer funds do not go towards some of the most inhumane "depopulation" methods used to kill farmed animals.

While the unnecessary and unplanned death of any animal is unfortunate, certain methods used for depopulation – particularly ventilation shutdown and water-based foam – present serious and undeniable animal welfare concerns. The use of ventilation shutdown for birds and pigs causes the animals to die by hyperthermia in which the animals bake to death. Additionally, this system often fails and instead causes animals to slowly suffocate. This process is inhumane, distressing, and painful for the animals who can take many hours to die. Water-based foam – often used in the poultry industry – is a method that blocks an animal's airway and causes death over several stressful and agonizing minutes.

As Congress considers policies to reimburse producers for losses of livestock and poultry due to depopulation, we strongly urge – at a minimum – that all impending COVID-19 relief not provide an incentive for the most inhumane methods of depopulation. Specifically, the U.S. Department of Agriculture (USDA) should only reimburse for losses when ventilation shutdown, ventilation shutdown with added heat, ventilation shutdown with added gas, and water-based foam have **not** been used. These methods, which often do not reach the already unacceptable benchmark of killing 95% of animals within an hour, result in prolonged suffering and an agonizing death.

Additionally, Congress should take steps to ensure that producers take preventive measures to prepare for future market disruptions in order to avoid and mitigate the consequences of subsequent disasters and public health crises. Supply chain disruptions are both preventable and foreseeable. The COVID-19 crisis has shown once again that lack of preparation leads to dire consequences for animals during disasters and emergencies. Farms, like other

businesses that care for and house animals, should take steps to plan for emergencies including severe weather, pandemic outbreaks, and other events that put public and animal health at risk or otherwise create severe market disruptions.

Section 60102 of the House-passed HEROES Act (H.R. 6800) contains provisions to provide emergency assistance to producers for depopulated livestock and poultry, while Section 60401 would allow payments via the Commodity Credit Corporation for the same. The recently released Senate draft COVID-19 relief bill would appropriate \$20 billion to reimburse producers for depopulation related losses and other market disruptions. None of these provisions address the egregious methods used for depopulating animals outlined above, nor do the provisions prescribe any requirements to prepare for future market disruptions. Other legislation recently introduced in Congress to address livestock and poultry losses during this crisis (S. 4156, the Responding to Epidemic Losses and Investing in the Economic Future (RELIEF) for Producers Act of 2020, H.R. 7030, the Direct Pork Assistance Package Act, e.g.) also fail to address concerns about such particularly inhumane depopulation methods. Without direction from Congress, the USDA will likely reimburse producers for any method of depopulation, with absolutely no minimum humane standards, and without regard to preparing for future disruptions. This is irresponsible from both a financial as well as an animal welfare perspective and will further entrench these horrific methods as acceptable measures to be used during crises.

Our organizations collectively request that any current or future COVID-19 relief policy that reimburses producers for depopulation-related losses and expenses include explicit language barring reimbursement related to depopulation conducted using ventilation shutdown, ventilation shutdown with added heat or gas, and water-based foam. We suggest making reimbursement contingent on a signed affidavit stating that these abhorrent methods were not used; disclosing which method(s) were used instead; and outlining the steps that were taken to avoid depopulating animals altogether. This affidavit should also indicate the processes used to dispose of the animal carcasses to ensure compliance with all relevant federal, state or local laws and regulations. We also ask that Congress enact policies to ensure that farms and other businesses caring for and housing farmed animals take steps to plan for future disasters and emergencies (for example, preemptively reducing stocking densities) to obviate the reliance on “depopulation” in future crises. With these added policies, Congress can not only avoid incentivizing the use of depopulation, and certainly the most inhumane methods, but it can help mitigate future disruptions as well as ensure a necessary level of financial accountability.

Thank you for your attention to this very important issue.

Sincerely,

Richard Patch
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Animals**

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Director of Legislative Affairs
Animal Legal Defense Fund

Dena Jones
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