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The Honorable Sonny Perdue  
U.S. Department of Agriculture  
Jamie L. Whitten Building  
1400 Independence Ave., S.W.  
Washington, DC 20250

Re: Please Ensure the CARES Act Helps Farm Animals and Higher Welfare Farmers

Dear Secretary Perdue:

The American Society for the Prevention of Cruelty to Animals (ASPCA), on behalf of our millions of supporters and members nationwide, urges you to keep farm animals and higher welfare farmers in mind while distributing funds to agricultural producers affected by the coronavirus pandemic. Not only does this pandemic threaten farms and producers across the country, but the economic strain currently on farms presents direct threats to the welfare of animals who may suffer from feed shortages, inadequate access to care and more stressful transport and slaughter conditions.

The ASPCA is encouraged by the relief funding provided for farmers in the CARES Act and the focus it places on farms supplying local food systems. All affected stakeholders in the agricultural community are now closely watching how the USDA determines which types of farming and food production systems should receive priority for funds, how funds are divided among impacted businesses and how payments are structured and delivered to those most in need. This letter provides recommendations to ensure that the billions of dollars in coronavirus relief funds are allocated in such a way as to support a farm system that improves the lives of farm animals, increases food system viability and provides consumers with food that aligns with their values. To summarize, the ASPCA recommends:

- **Coronavirus relief funds should be provided to animal welfare-certified producers and farmers who are transitioning to unconfined rearing systems, with a focus on small and medium-sized farmers and other historically disenfranchised farmers supplying local food systems, who will struggle with bringing their products to market due to this crisis.**
- **Coronavirus relief funds should not support Concentrated Animal Feeding Operations (CAFOs) and farms raising animals in confinement systems like battery cages, veal crates and gestation crates.**
- **Support for the USDA's Child Nutrition Programs should ensure that institutions can continue to provide meals that are not only higher welfare, but also healthy, local, fair, equitable and sustainable—such as through the Good Food Purchasing Program (GFPP).**
- **FSIS must ensure that humane handling protocols continue to be followed and FSIS inspectors continue to enforce humane slaughter laws at plants that remain open during the pandemic outbreak.**
- **Coronavirus relief funds allocated for rural development should be used to help maintain and improve supply chain infrastructure and services that are critical to higher welfare producers.**

We must emerge from this crisis with a strong network of farmers that can serve as a viable alternative to the inhumane industrial animal agriculture system. The industrial model, based on intensive confinement of animals, is not only antithetical to American values about how animals should be treated, but also poses many dangers to food system workers, rural communities, environmental integrity and public health, including increasing the risk of pandemic outbreaks of the sort we presently face. Conversely, higher welfare farming practices provide less stressful living conditions which are better for animals, the environment, workers and consumers, which is why market demand for cage-free, pasture-based and animal welfare-certified products has grown significantly over the last decade, alongside the booming market for plant-based alternatives. Increasing consumer demand has led to broad public support for a more humane farming system, evidenced by a January 2020 survey of U.S. consumers which found that 74% believe the government should be supporting farmers transitioning to more humane practices.<sup>1</sup> This is an unprecedented opportunity for the USDA to steer the survival and future of farming in the United States and we expect Congress will exercise its oversight to ensure that the USDA distributes the funds in a just and equitable manner.

### **I. Agricultural Programs: Additional Assistance to Producers**

The CARES Act recognizes the importance of value-added farming and regional supply chains, allocating \$9.5 billion in additional emergency coronavirus relief funds to “agricultural producers impacted by coronavirus, including producers of specialty crops, producers that supply local food systems, including farmers markets, restaurants, and schools, and livestock producers, including dairy producers.” We urge the USDA to ensure that funds from this allocation are provided to the producers using higher welfare rearing practices and those supplying local markets and institutions that are increasingly seeking out and committed to more humane sourcing.

#### **A. Livestock and Dairy Producers Generally**

It is critical that higher welfare farmers and those most vulnerable to the market impacts of the coronavirus are eligible for and receive relief funding as allocated in the CARES Act. In particular:

- Funds should be provided to livestock and poultry farms currently transitioning to systems of unconfined rearing (such as cage-free egg laying hen facilities), or to non-animal crop production, ensuring those transitions will be completed despite potential market and labor disruptions. We must continue to build a more humane and resilient food system, moving away from intense confinement models that contribute to the spread of disease and otherwise threaten humans, animals and the planet.
- Funds should be used to support animal welfare-certified farmers who have lost markets and revenue due to the pandemic. Payments should be made available to help farms cover the costs of maintaining their certifications, including certification and auditing fees.
- Funds should be used to support small and mid-sized farms, many of which play a critical role in supplying local food systems, but are more vulnerable to market disruption, with a preference given to young and beginning farmers, who are often at the forefront of the movement to build a more humane food system<sup>2</sup>, and who will be particularly vulnerable to market and revenue loss as a result of the coronavirus. Preference should also be given to historically disenfranchised farmers, such as farmers of color and those in front line communities, who to date have struggled to access resources on par with the broader farming community.<sup>3</sup>
- Funds should be used to help offset costs associated with pasture and range-based systems, including maintenance of infrastructure and supplemental feed costs, which may increase as

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<sup>1</sup> <https://www.aspca.org/shopwithyourheart/business-and-farmer-resources/aspca-surveys>

<sup>2</sup> <https://www.youngfarmers.org/wp-content/uploads/2018/02/NYFC-Report-2017.pdf>

<sup>3</sup> <https://foodfirst.org/wp-content/uploads/2014/04/2014-Spring-Backgrounder-Whose-Land-Final1.pdf>

result of the coronavirus pandemic. Pasture-based systems not only improve the welfare of animals, but the overall resilience of our food system, improving soil health, water quality, working conditions and, when managed properly, reducing negative climate impacts.

- Funds should be used to help producers afford paid sick leave for all farm employees in order to safekeep the health and safety of farm workers and the farm animals under their care who would suffer from worker outages.
- Funds should be used to help farmers access the technology and infrastructure necessary to begin or expand their online sales and direct-marketing capabilities, which will be a critical adaptation for farms that have lost restaurant and other commercial markets.

Additionally, it is imperative that relief provided for in the CARES Act does not go to industries whose practices harm the public (whether animals, people or the environment) and which are far less susceptible to market disruptions given their supply chains' increased vertical integration. Funds should not be used to support Concentrated Animal Feeding Operations (CAFOs) raising animals in confinement systems, including the use of battery cages, gestation crates and veal crates, nor to any other farms employing these confinement methods. Confinement systems do not meet societal expectations for the treatment of farm animals, nor are they a viable system for the USDA to be supporting through relief funds, in addition to the fact that they are often owned by multinational corporations based outside of the U.S. To date, 12 states have passed laws prohibiting the use of battery cages, gestation crates and/or veal crates, and three have banned the sale of products from one or more of these confinement systems. Confinement systems, regardless of scale, are inherently inhumane and the agricultural industry is in the process of transitioning away from them entirely to meet consumer and corporate demand. This transition is echoed in the investment world, where the financial risks of investing in confinement agriculture and the food companies that support it are quickly coming to light. Concerned by environmental degradation, high profile cases of animal cruelty on farms and increasing numbers of large-scale food recalls, investors are seeking more transparency and assurances about farm animal welfare from the animal agriculture industry. The USDA should recognize this movement in the marketplace and ensure that confinement systems are not eligible for funding under this coronavirus relief program.

## **B. Producers Supplying Local Food Systems**

The CARES Act rightly identifies the critical role local food producers play in communities, requiring the USDA to set aside funds for "producers who support local food systems, such as farmers markets, schools, and restaurants." Many such producers are also animal welfare-certified, an attribute important to local communities.<sup>4</sup> We urge the USDA to prioritize animal welfare-certified farmers when assessing which local producers should qualify for this aid. Additionally, dozens of school systems and other public institutions are enrolled in the Good Food Purchasing Program (GFPP)—an institutional food procurement framework ensuring that food served by public institutions is sourced locally or regionally, in addition to meeting standards ensuring farm animal welfare, nutrition, environmental sustainability and fair wages and working conditions for workers within the institutions' food supply chains. In fact, these are the very qualities that can help sustain communities during a pandemic. To date, over 40 institutions—including 23 school districts—are participating in GFPP, for a total purchasing power of over one billion dollars. However, in the face of school closures, our public schools are transitioning to serving children in new, remote ways, requiring new tools and infrastructure and ultimately leading them to face financial loss. Providing critical funding to public institutions committed to GFPP is paramount to maintaining the positive

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<sup>4</sup> [https://www.aspca.org/sites/default/files/aspca-2018\\_animal\\_welfare\\_labelling\\_and\\_consumer\\_concern\\_survey.pdf](https://www.aspca.org/sites/default/files/aspca-2018_animal_welfare_labelling_and_consumer_concern_survey.pdf)

impacts of feeding students, supporting local food systems and procuring food that is sustainable, higher welfare, nutritious and fair.

## **II. Commodity Credit Corporation Program**

The CARES Act designates \$14 billion to reimburse the Commodity Credit Corporation for emergency coronavirus relief. The Commodity Credit Corporation (CCC) oversees a number of farming-related programs, including commodity programs, conservation programs and disaster assistance programs. Despite this breadth of oversight, there is currently no mandate as to which programs should receive additional funding, nor which communities are to be the main beneficiaries. To that end, we urge the USDA to use these additional CCC funds to support higher welfare farming systems and not to bolster CAFO production systems. For the myriad reasons described above, funds should not be used to support CAFOs raising animals in confinement systems, including the use of battery cages, gestation crates and veal crates. The existing state laws prohibiting confinement, the countless phase-out commitments made by some of the country's largest food businesses and the growing reluctance of investors to support confinement agriculture make government support of these systems untenable. At the very least, should any CCC relief funds be provided to CAFOs or other farms using confinement systems, all funding should be given with the stipulation that recipient producers must phase out their use of battery cages, gestation crates and veal crates by 2025, in keeping with the trajectory of the U.S. market.

## **III. Child Nutrition Programs**

The CARES Act allocates \$8.8 billion to Child Nutrition Programs, a collection of meal programs serving both children and adults, including through school meals, after-school and summer meals, and care centers devoted to children, adults and people experiencing homelessness. In this time of crisis, food access—and especially access to healthy, nutritious food—are critical. As noted above, a number of public institutions, including 23 school districts, procure, prepare and serve their food according to the standards of the Good Food Purchasing Program (GFPP). GFPP is a framework that shifts how food is sourced and served by public institutions, based on five integrated values: nutrition, fairness for food chain workers, animal welfare, local economies and environmental sustainability.

These are the very investments that can help make communities more resilient in times of crisis that threaten our food chain, such as the current viral pandemic. In fact, GFPP-enrolled schools can be a model for how emergency food programs can foster public health through food, even during food systems crises. Some schools implementing GFPP are feeding their students remotely, incurring significant financial losses as a result of this new distribution model. In continuing to serve GFPP-compliant meals, these institutions provide not only much-needed nourishment and access to food, but a lifeline to their communities and to the broader food system. We encourage the USDA to ensure such institutions receive the funding needed to continue this important work. We also encourage the USDA to ensure the producers supplying GFPP-compliant food to schools receive the funding they need to continue doing so—as noted separately in this letter with regards to the funding the USDA will be directing toward “producers who support local food systems.”

## **IV. Food Safety and Inspection Service**

The CARES Act allocates \$33 million to the Food Safety and Inspection Service (FSIS) to respond to expected changes that will occur in slaughterhouses and other FSIS-regulated facilities as a result of coronavirus, including supporting temporary and intermittent workers, relocation of inspectors and costs of overtime inspectors. FSIS must ensure that humane handling protocols continue to be followed and FSIS inspectors continue to enforce humane slaughter laws at plants that remain open during the pandemic outbreak—for both poultry and mammals. When slaughterhouses are short-staffed due to illness or other related reasons and the demand for a full staff cannot be met by temporary or intermittent workers, FSIS has a legal obligation to ensure process controls, which protect food safety, do not suffer. This may involve reducing slaughterhouses' volume and/or speed of operation. Certainly, should any

slaughterhouse be under-resourced amid the coronavirus outbreak, FSIS should immediately halt implementation of the high-speed slaughter approvals for chicken, turkey, pig and cattle slaughter plants (i.e. the New Poultry Inspection System, the New Swine Slaughter Inspection System and waiver(s) issued for beef slaughter). These systems pose inherent threats to animals, workers and food safety by combining an increased number of animals with faster line speeds and fewer government inspectors. Under normal circumstances, this combination has shown itself to be injurious to both animals and people. Allowing such a system to continue while slaughterhouses struggle with the effects of coronavirus could be catastrophic.

#### **V. Rural Development Programs**

The CARES Act allocates \$20.5 million to provide loans for rural business development programs to help rural communities respond to emerging coronavirus needs. Small and mid-sized higher welfare farms and related businesses often operate in rural areas with limited access to critical infrastructure and services, such as processing and distribution. As a result, these businesses may be disproportionately impacted by disruptions in the supply chain. Further, such businesses often play a unique role in supplying local markets, feeding those who may not otherwise have access to higher welfare foods. It is important that these businesses can access funding to allow them to scale up and innovate their operations in order to meet growing demands on our food supply in response to the coronavirus pandemic. Loans should be provided to maintain or increase the production, aggregation, processing and distribution of welfare-certified meat, dairy and poultry products from rural producers, including keeping small, rural processing plants operating and in adherence with all federal humane handling and slaughter requirements. Rural animal welfare-certified farms are dependent on their local/regional processing plants, which are often their only viable options for getting their products to market. When these plants are strained by coronavirus-related labor shortages as well as increased demand, the entire system is threatened. The USDA should provide funding to ensure these rural entities not only survive but are able to grow and better meet the needs of rural farmers and communities.

The full impact the coronavirus pandemic will have on agriculture is still unknown, but we must act quickly to help higher welfare farmers and other actors in the food system mitigate losses and adapt to this new normal. The relief funding allocated in the CARES Act provides the USDA an unprecedented opportunity to not only save, but to strengthen the American farming system. Ensuring the survival of higher welfare farm businesses is critical not just for farm animals, but also for the collective good. Demand for products from farms using higher welfare practices is growing at every level, from direct-to-consumer sales to institutional and corporate sourcing. To abandon these farmers in favor of propping up industrial confinement agriculture would be a disservice to farm animals and American farmers, as well as those relying on their products, across the country. We urge the USDA to allocate the CARES Act relief funding judiciously, with a focus on the farmers and communities who are helping to build the resilience and viability of a food system that benefits animals, people and the planet.

Sincerely,



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