Animal Welfare Standards and Commercial Aquaculture Production

Stephanie Showalter Otts, National Sea Grant Law Center
Agricultural and Food Law Consortium Webinar Series
September 9, 2015

Animal Welfare: The Basics

• No set definition, but it's a broad term than generally encompasses conditions in which an animal lives.

• References often made to the internationally recognized “Five Freedoms”:
  1. Freedom from Hunger and Thirst;
  2. Freedom from Discomfort;
  3. Freedom from Pain, Injury or Disease;
  4. Freedom to Express Normal Behavior;
  5. Freedom from Fear and Distress.

• Animal Welfare ≠ Animal Rights
Welfare of Farmed Fish

- Growing body of scientific evidence that fish have the capacity to experience pain, stress, and other forms of suffering.

- Key elements of fish welfare in aquaculture include:
  - Water Quality;
  - Stocking Density;
  - Disease Management;
  - Transport and Handling Conditions;
  - Slaughter Methods.

U.S. Legal Framework

- The 28-Hour Law (1873) - requires unloading, feeding, water and rest for most livestock species (birds are exempt) if trips exceed 28 hours. Applies to transport by truck, train, or ship.

- The Humane Methods of Slaughter Act (1958) – requires that animals raised for food be rendered unconscious prior to slaughter. Exclusions include poultry, fish and rabbits.

- Animal Welfare Act (1996) - minimum standards of care and treatment be provided for certain animals bred for commercial sale, used in research, transported commercially, or exhibited to the public.
Aquatic Animal Health

- Animal Welfare laws do not cover fish.

- Focus in US has almost exclusively been on aquatic animal health and diseases.
  - Requirements for import permits and veterinary health certificates (import/export).

National Aquatic Animal Health Plan


- Plan seeks to:
  - Facilitate the legal movement of all aquatic animals, their eggs, and products in interstate and international commerce;
  - Protect the health and thereby improve the quality and productivity of farmed and wild aquatic animals;
  - Ensure the availability of diagnostic, inspection, and certification services; and
  - Minimize the impacts of diseases when they occur in farmed or wild aquatic animals.
Commercial Aquaculture Health Program Standards

• Concept paper released in February 2015 by the U.S. Department of Agriculture’s Animal and Plant Health Inspection Service, Veterinary Services, in collaboration with the National Aquaculture Association.

• Goal is to develop a voluntary, non-regulatory framework for the improvement and verification of the health of farmed aquatic animals produced in U.S. commercial aquaculture industry sectors.

Fish Welfare Standards: On the Horizon?

International Standards

• The OIE is the WTO reference organization for standards relating to animal health and zoonoses.

• The Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) encourages the members of the World Trade Organization (WTO) to base their sanitary measures on international standards, guidelines and recommendations, where they exist.

OIE Terrestrial Animal Health Code

“Animal welfare means how an animal is coping with the conditions in which it lives. An animal is in a good state of welfare if (as indicated by scientific evidence) it is healthy, comfortable, well nourished, safe, able to express innate behaviour, and if it is not suffering from unpleasant states such as pain, fear, and distress.” (Art. 7.1.1)
OIE Terrestrial Animal Health Code

“Animal welfare means how an animal is coping with the conditions in which it lives. An animal is in a good state of welfare if (as indicated by scientific evidence) it is healthy, comfortable, well nourished, safe, able to express innate behaviour, and if it is not suffering from unpleasant states such as pain, fear, and distress.” (Art. 7.1.1)

OIE Aquatic Animal Health Code

The basic requirements for the welfare of farmed fish include handling methods appropriate to the biological characteristics of the fish and a suitable environment to fulfill their needs. (Art. 7.1.2).

Code has separate chapters on:
- Welfare of farmed fish during transport (Chapter 7.2).
- Welfare aspects of stunning and killing of farmed fish for human consumption (Chapter 7.3)
- Killing of farmed fish for disease control purposes (Chapter 7.4).
Transport

• Key Elements:
  ▪ Loading and unloading in a manner than avoids injury and causes minimum stress.
  ▪ Swift humane killing
  ▪ Using well-maintained vehicles and suitable equipment

Slaughter

• For Food:
  ▪ Effective stunning should be verified by absence of consciousness, equipment should be maintained, operated appropriately, and tested on regular basis. Mechanical and electrical stunning, as appropriate to the fish species, are the preferred methods.

• For Disease:
  ▪ Methods used should result in immediate death or immediate loss of consciousness lasting until death; when loss of consciousness is not immediate, induction of unconsciousness should be non-aversive or the least aversive possible and should not cause avoidable pain, distress or suffering in fish.
European Standards

• European Council Directive 98/58/EC concerning the protection of animals kept for farming purposes (including fish):
  ▪ Requires “owners or keepers take all reasonable steps to ensure the welfare of animals under their care and to ensure that those animals are not caused any unnecessary pain, suffering or injury”.

• Directive excludes fish from the detailed provisions set out in its Annexes.

FDA Catfish Inspection Program

• 2008 Farm Bill moved inspections of catfish from FDA to USDA.

• Catfish were exempted from the provisions of the Federal Meat Inspection Act dealing with humane slaughter.

• Examination and inspection of meat food products derived from catfish, however, “shall take into account the conditions under which the fish is raised and transported to a processing establishment.”
“Adulterated” Determination

• FDA is proposing to require that catfish harvested for human food must not have lived under conditions that would render them unsound, unwholesome, unhealthful, or otherwise unfit for human food.

• Focus is on food safety, not animal welfare.
  ▪ If retained in final rule, would result in inspections of conditions under which farmed fish are kept.
  ▪ Avenue to address animal welfare concerns as they related to the final product.

Questions? Comments?

Stephanie Showalter Otts, Director
National Sea Grant Law Center
University of Mississippi School of Law
Kinard Hall, Wing E – Room 256
University, MS 38677
(662) 915-7714
sshowalt@olemiss.edu