

University of Nebraska - Lincoln

DigitalCommons@University of Nebraska - Lincoln

---

Cornhusker Economics

Agricultural Economics Department

---

1-2011

## 2010 Ohio Animal Welfare Compromise

J. David Aiken

*University of Nebraska-Lincoln*

Follow this and additional works at: [https://digitalcommons.unl.edu/agecon\\_cornhusker](https://digitalcommons.unl.edu/agecon_cornhusker)



Part of the [Agricultural and Resource Economics Commons](#)

---

Aiken, J. David, "2010 Ohio Animal Welfare Compromise" (2011). *Cornhusker Economics*. 488.

[https://digitalcommons.unl.edu/agecon\\_cornhusker/488](https://digitalcommons.unl.edu/agecon_cornhusker/488)

This Article is brought to you for free and open access by the Agricultural Economics Department at DigitalCommons@University of Nebraska - Lincoln. It has been accepted for inclusion in Cornhusker Economics by an authorized administrator of DigitalCommons@University of Nebraska - Lincoln.

# CORNHUSKER ECONOMICS

January 5, 2011

Institute of Agriculture & Natural Resources  
Department of Agricultural Economics  
<http://agecon.unl.edu/cornhuskereconomics>

University of Nebraska–Lincoln Extension

## 2010 Ohio Animal Welfare Compromise

In June 2010, Ohio elected officials and animal welfare activists negotiated an animal welfare compromise agreement that kept an animal welfare proposition off the November ballot in Ohio.

**What is the background here?** This actually goes back to November 2008 when California voters adopted Proposition Two, which bans veal crates, swine gestation crates and laying hen battery cages. California was the first state to ban the use of battery cages.

**How did Ohio get involved?** Of the top ten egg producing states, only Ohio (2), California (5) and Nebraska (8) allow citizen ballot initiatives. The Humane Society of the United States (HSUS), which was the main group behind California's Proposition Two, targeted Ohio for a similar ballot initiative in 2010.

**So what happened in Ohio?** Ohio ag groups supported a ballot initiative to create the Ohio Livestock Care Standards Board, which was approved by Ohio voters in November 2009. HSHS came back with a proposed 2010 ballot initiative that would have banned veal crates, battery cages and gestation crates by 2016. The ballot initiative would also have required humane euthanasia of food animals, including the banning of euthanizing cows and pigs on farms by strangulation, and would have prohibited the transport or sale for food of any cow or calf too sick or injured to stand or walk.

**And what was the Ohio compromise?** Veal producers will be required to transition from veal crates to group housing by 2017. For gestation crates,

Market Report	Yr Ago	4 Wks Ago	12/31/10
<b><u>Livestock and Products,</u></b>			
<b><u>Weekly Average</u></b>			
Nebraska Slaughter Steers, 35-65% Choice, Live Weight.....	\$83.11	\$102.62	\$106.14
Nebraska Feeder Steers, Med. & Large Frame, 550-600 lb. ....	106.90	144.00	137.58
Nebraska Feeder Steers, Med. & Large Frame 750-800 lb. ....	94.47	124.50	123.96
Choice Boxed Beef, 600-750 lb. Carcass. ....	139.06	163.01	161.90
Western Corn Belt Base Hog Price Carcass, Negotiated. ....	63.66	66.34	72.00
Feeder Pigs, National Direct 50 lbs, FOB. ....	*	*	*
Pork Carcass Cutout, 185 lb. Carcass, 51-52% Lean. ....	67.76	77.50	77.22
Slaughter Lambs, Ch. & Pr., Heavy, Wooled, South Dakota, Direct. ....	*	159.12	*
National Carcass Lamb Cutout, FOB. ....	245.26	354.50	353.99
<b><u>Crops,</u></b>			
<b><u>Daily Spot Prices</u></b>			
Wheat, No. 1, H.W. Imperial, bu. ....	4.21	6.55	7.04
Corn, No. 2, Yellow Omaha, bu. ....	3.90	5.52	5.95
Soybeans, No. 1, Yellow Omaha, bu. ....	10.20	12.67	13.35
Grain Sorghum, No. 2, Yellow Dorchester, cwt. ....	6.34	8.93	9.84
Oats, No. 2, Heavy Minneapolis, MN, bu. ....	2.72	3.75	3.97
<b><u>Feed</u></b>			
Alfalfa, Large Square Bales, Good to Premium, RFV 160-185 Northeast Nebraska, ton. ....	135.00	140.00	130.00
Alfalfa, Large Rounds, Good Platte Valley, ton. ....	87.50	72.50	72.50
Grass Hay, Large Rounds, Premium Nebraska, ton. ....	*	*	*
Dried Distillers Grains, 10% Moisture, Nebraska Average. ....	121.50	173.75	187.50
Wet Distillers Grains, 65-70% Moisture, Nebraska Average. ....	40.75	54.00	65.50
<b>*No Market</b>			



new swine farrowing facilities will be required to use alternative sow housing (not gestation crates). Existing swine producers would have until 2026 to phase out gestation crates. Battery cages will not be allowed in new egg facilities, but existing producers can continue using them indefinitely. Finally, the Ohio Livestock Care Standards Board is expected to adopt standards relative to humane slaughter and downer cattle.

The Ohio compromise also had provisions relating to pets and exotic animals, including dog breeding kennel regulations, increased penalties for cockfighting and prohibiting the possession or sale of big cats, bears, primates, large constricting and venomous snakes and alligators and crocodiles. Finally, HSUS agreed to cooperate with agricultural groups in jointly funding research projects to identify best practices for farm animal care and welfare.

**What does that mean for Nebraska?** As the third top-ten state in egg production that allows ballot initiatives, I think Nebraska will be next on the HSUS’s list for a 2012 animal welfare ballot initiative. And as uncomfortable as this may be for Nebraska ag groups, I think they should at least consider negotiating a compromise with HSHS to avoid a ballot campaign.

**Why negotiate?** HSUS will flood the media with sad pictures of veal calves chained in veal crates, laying hens in crowded battery cages, and sows in gestation crates. Consumers, who relate to farm animals more in terms of pets than food animals, will respond negatively to these uncomfortable visual images. For many consumers, this will likely give all of Nebraska production agriculture a black eye, and make the ballot initiative difficult to defeat at the ballot box.

The other reason to negotiate is that you may be able to negotiate a later ban of veal crates, battery cages and gestation crates than would be in the ballot measure. As the table (bottom of page) shows, there are significant differences between when the veal crate, battery cage and gestation crate bans would have taken effect for existing producers under the HSUS ballot initiative, and those that will take effect under the Ohio animal welfare compromise. For veal crates there were no significant differences between the ballot and the compromise. For battery cages, the bans for new facilities went from November 2016 under the HSUS ballot measure to immediately under the compromise. But existing egg producers received in exchange, an indefinite grandfather clause for existing producers that would appear to allow existing producers to expand production at existing facilities with battery cages. Gestation crates are banned January 1, 2011 for new facilities under the compromise, which is nearly six years sooner than would have occurred if the ballot initiative had been adopted. But, existing swine producers gained an extra nine years before they had to switch to alternative housing under the compromise.

J. David Aiken, (402) 472-1848  
 Professor (Water & Agricultural Law Specialist)  
 Dept. of Agricultural Economics  
 University of Nebraska-Lincoln  
[daiken@unl.edu](mailto:daiken@unl.edu)

**Table 1.**

Housing Practices	Ballot	Compromise	Difference
<b>Veal Crate Ban: New Facilities</b>	November 2016	2017	Insignificant
<b>Veal Crate Ban: Existing Facilities</b>	November 2016	2017	Insignificant
<b>Battery Cage Ban: New Facilities</b>	November 2016	July 2010	6 years 4 months sooner
<b>Battery Cage Ban: Existing Facilities</b>	November 2016	None	Indefinitely - later
<b>Gestation Crate Ban: New Facilities</b>	November 2016	January 2011	5 years 10 months sooner
<b>Gestation Crate Ban: Existing Facilities</b>	November 2016	December 2025	9 years 1 month later