

Slaughterhouse Workers, Animals, and the Environment: The Need for a Rights-Centered Regulatory Framework in the United States That Recognizes Interconnected Interests

DELCIANNA J. WINDERS AND ELAN ABRELL

Abstract

The COVID-19 pandemic has shone a bright light on industrial slaughterhouses in the United States and their impacts on the vulnerable beings—both human and animal—they exploit. But the severity of these impacts is the result of a long history of failed regulatory oversight. This paper highlights the inadequacies of the current regulatory system in the United States and how they have contributed to dangerous conditions for slaughterhouse workers, environmental degradation, and severe animal suffering. Further, it argues that a rights-centered One Health approach would provide the necessary conceptual foundation for a new regulatory framework that can meaningfully address the interconnected rights, health, and well-being of humans, animals, and the environment. As a first step in establishing this new framework, the United States should create a federal Slaughterhouse Oversight Commission to strengthen the rights, health, and well-being of humans and animals.*

DELCIANNA J. WINDERS, JD, is a visiting associate professor and animal law program director at Vermont Law School, South Royalton, USA.

ELAN ABRELL, JD, PhD, is vice president of community planning and partnerships at the Phoenix Zones Initiative and a visiting assistant professor of environmental studies at New York University, New York, USA.

Please address correspondence to Delcianna Winders. Email: dwinders@vermontlaw.edu.

Competing interests: Delcianna Winders has none to declare. Elan Abrell is vice president of programs at the Phoenix Zones Initiative, and the guest editor for this special issue is Hope Ferdowsian, who is president and co-founder of the Phoenix Zones Initiative.

Copyright © 2021 Winders and Abrell. This is an open access article distributed under the terms of the Creative Commons Attribution Non-Commercial License (<http://creativecommons.org/licenses/by-nc/4.0/>), which permits unrestricted noncommercial use, distribution, and reproduction in any medium, provided the original author and source are credited.

Introduction

When COVID-19 came to the small city of Waterloo, Iowa, where a Tyson Foods pig slaughterhouse is based, it spread quickly through the communities of slaughterhouse workers and their families, many of whom are immigrants or refugees. The impact of the Tyson outbreak was devastating to the city, disproportionately harming some of its most vulnerable community members. The desperation and fear of workers is palpable in their phone calls describing conditions at the slaughterhouse to state legislator Ras Smith, who represents Waterloo's historically Black east side: "A coworker vomited on the line and management let him continue to work ... There are eight people working in front of me and another 10 or more behind me ... I am scared I will die because of work, but I need to work to buy food for my family."¹ As of December 2020, between 1,500 and 1,800 of the 2,800 workers at the Waterloo slaughterhouse had been infected with the virus, and eight workers had died; with contact tracing, the cases tied to the Tyson outbreak were between 2,500 and 3,000, "making it one of the largest—if not the largest—workplace outbreaks in the country."² Although a combination of factors led to this public health disaster, the long history of failed oversight of the animal slaughter industry in the United States played a significant role in shaping the disastrous conditions at the Waterloo slaughterhouse and scores of other slaughterhouses throughout the United States.

The failure of regulatory oversight in the US slaughter industry is actually multifold, negatively affecting workers, animals, and the environment (including the communities that live near slaughterhouses). We argue that these regulatory failures are rooted in a conceptual failure to recognize the interconnection between human, animal, and environmental health and well-being and the central role of legal rights in protecting them. In this paper, we therefore make the case for a new regulatory framework governing the US slaughter industry that prioritizes protecting, strengthening, and enforcing rights to improve the health and well-being of both humans and animals. Particularly relevant rights in this context include the rights to bodily

safety; to be free from cruel, inhumane, and degrading treatment; to just and favorable conditions of work; to health; and to a healthy environment.³ However, due to the disparity between legally recognized rights afforded to humans and those afforded to animals, there are admittedly practical limitations on the degree to which they can be equally enforced on behalf of workers and animals under the regulatory framework we propose. Nonetheless, we argue that it would be a significant improvement over current conditions and could serve as the initial step on a pathway to meaningful legal recognition of nonhuman interests.

This paper begins with a description of how the inadequacies of the current regulatory system contribute to dangerous conditions for slaughterhouse workers, environmental degradation, and severe animal suffering. It then argues that an expanded One Health approach that centers rights and justice for both humans and animals to maximize optimal health outcomes provides the necessary conceptual foundation for a new regulatory framework for the slaughter industry that can better address the interconnected rights, health, and well-being of humans and animals.⁴ We conclude by proposing that the US government, as the first step in establishing this new framework, create a federal Slaughterhouse Oversight Commission.

Industrial slaughter and the interconnected interests of workers, the environment, and animals

As the meat industry often points out, slaughter is one of, if not the, most heavily regulated points of industrial animal agriculture. Given the shocking lack of legal oversight over animal raising, this is not saying much.⁵ Most slaughterhouse oversight focuses on food safety, and even in that space there are myriad shortcomings that are beyond the scope of this paper. As for workers, the environment, and animals, there are some laws in place that, in theory, provide at least basic rights in the form of legal protections against harm.⁶ However, these laws are both inadequate and poorly enforced, as detailed below. It is well recognized that a right

without a remedy is no right at all, and too often that is the case for those exploited by slaughterhouses: the baseline legal rights—including labor rights and animal welfare protections—promised to humans and animals by Congress become virtually meaningless when enforcement is left solely to administrative agencies that have demonstrated a pattern of apathy at best, and at worst an affirmative desire to put industry profits over the interests of those vulnerable beings they are tasked with protecting.

Slaughterhouse workers

Slaughterhouses are incredibly dangerous places to work, populated by some of the most exploited and disempowered members of society. Data from the US Census Bureau documents that the meat- and poultry-processing workforce is “overwhelmingly made up of people of color, with a large percentage of immigrants and refugees,” the vast majority of whom are noncitizens, and an unknown percentage of whom are undocumented workers.⁷ “Immigrants are particularly overrepresented in frontline meatpacking occupations.”⁸ They work elbow to elbow, engaged in fast, repetitive movements with sharp tools and exposed to dangerous chemicals and high noise levels. Because of their vulnerable status, these workers often do not report their injuries.⁹ Nevertheless, reports of amputations and hospitalizations are high. As the National Employment Law Project recently noted, according to self-reported industry data—which is recognized to be an undercount—“meat and poultry workers are injured at rates on average 50% higher than all other workers in the private sector, with injury rates in red meat plants running almost twice as high.”¹⁰ Injuries are not only more prevalent—they are also more severe, even when compared to other dangerous industries.¹¹ Slaughterhouse workers also suffer psychological harms that have been documented and connected to “increased rates of domestic violence, substance abuse, and post-traumatic stress disorder.”¹²

In addition, these workers have been especially hard hit by COVID-19—though the full scope of the impact on this vulnerable population

remains unknown. An examination of COVID-19 deaths by occupation from March to October 2020 found that death rates were the highest among food and agriculture workers.¹³ As the US Centers for Disease Control and Prevention (CDC) has recognized, slaughterhouse conditions, including “the close proximity of workstations and prolonged contact between employees,” facilitate rapid COVID-19 spread.¹⁴ According to publicly available data gathered by the Food and Environment Reporting Network, as of September 2, 2021, at least 59,148 meatpacking workers had tested positive for COVID-19 and at least 298 had died (by comparison, this same dataset documents COVID-19 infections in 18,793 food-processing workers and 13,776 farmworkers, and the deaths of 61 food-processing workers and 107 farmworkers).¹⁵ According to the National Employment Law Project, “More workers have died from COVID-19 in meat and poultry plants to date during the pandemic than died from all causes in the industry in the past 15 years.”¹⁶ The vast majority of these victims are racial and ethnic minorities.¹⁷ Moreover, these numbers are undercounts, as state and local governments and industry alike have concealed worker illness data.¹⁸ Most meat companies have not released any information about COVID-19 among their workforces, there are increasingly fewer public sources for that information, and there is no federal record.¹⁹ Recognizing that COVID-19’s toll on slaughterhouse workers is likely even more extensive than previously thought, a House panel is currently investigating the issue.²⁰

And these risks do not remain contained within slaughterhouse walls. One study linked community transmission of COVID-19 to “livestock-processing plants,” estimating the total excess COVID-19 cases and deaths associated with proximity to these plants to make up 6%–8% of all US COVID cases, and 3%–4% of all US COVID deaths as of July 21, 2020.²¹

Despite the high risks posed to workers and their communities, slaughterhouses resisted providing even the most basic protections during the early months of the pandemic. A *Washington Post* investigation found that three of the largest meat processors in the United States “failed to provide

protective gear to all workers, and some employees say they were told to continue working in crowded plants even while sick.²² Some slaughterhouses workers were instructed to use hair nets as masks and to not use their own masks they had brought themselves.²³ Meat companies took out full-page ads in major newspapers suggesting that Americans would face food shortages and skyrocketing prices if slaughterhouses weren't able to conduct business as usual during the pandemic—even as they exported record levels of meat abroad.²⁴

When worker sickness levels became so high that slaughterhouses did not have enough people to maintain operations, companies resorted to bribing and threatening sick workers to get them to return to work, and obtaining permission from the United States Department of Agriculture (USDA) to increase slaughter line speeds—even as the CDC recommended line speed *reductions*, as faster line speeds require even closer quarters and have been linked to even higher rates of COVID-19 spread (in addition to higher injury rates).²⁵

The government agencies that are supposed to protect workers from these harms did not step in to meaningfully mitigate these harms—worse, in some instances they actively facilitated harms. As former Occupational Safety and Health Administration (OSHA) senior policy advisor Debbie Berkowitz details, OSHA denied an emergency petition to protect slaughterhouse workers and drastically reduced inspections, refusing to inspect slaughterhouses even in the face of repeated, serious COVID-19-related complaints.²⁶ Meanwhile, the CDC softened safety recommendations in response to industry pressure.²⁷ And when a local health official tried to curb a COVID-19 outbreak at a slaughterhouse by temporarily shutting down operations, the USDA intervened, contending that he had to allow the slaughterhouse to continue to operate and could not even investigate.²⁸

Slaughter and the environment

Slaughter is a resource-intensive, waste-extensive business, and its environmental impacts are disproportionately borne by low-income communities, particularly Black communities and other commu-

nities of color. Federal data show that almost half of the slaughterhouses in the United States “are in communities with more than 30 percent of their residents living beneath the poverty line (more than twice the national level),” and a third “are in places where at least 30 percent of the residents are people of color.”²⁹

Meat processing facilities are responsible for 29% of the agricultural sector's total freshwater consumption worldwide, and the diversion of such massive amounts of water has a significant impact on wildlife and aquatic resources—impacts that are exacerbated by increasing drought conditions driven by climate change.³⁰ Slaughterhouses in the United States consume billions of gallons of water annually—and then often discard the used, polluted water directly into waterways.³¹ A recent Environmental Protection Agency study found that “74% of [meat and poultry-processing] facilities that directly discharge wastewater to surface waters are within one mile of census block groups with demographic or environmental characteristics of concern,” indicating that these facilities may be disproportionately impacting communities of concern.³² The study further found that this industry “discharges the highest phosphorus levels and second highest nitrogen levels of all industrial categories.”³³ Pollutants also enter drinking water supplies via runoff and groundwater seepage from agricultural fields where slaughter facilities frequently spray their waste, resulting in a host of issues, including asthma attacks, autoimmune disorders, bacterial infections, birth defects, cognitive impairment in children, cancer, gastrointestinal problems, miscarriages, and even death.³⁴ Slaughterhouse wastewater pollutants include organic matter such as blood and feces that carry pathogens like *E. coli*, antibacterial agents (which have been linked to a proliferation of antibiotic-resistant pathogens), pesticide residues, growth-promoting and other drugs, and high nutrient loads that cause algal blooms and “dead zones” in water bodies that are fatal to aquatic life and dangerous to human health.³⁵ Slaughterhouses also create large amounts of solid waste, including contaminant- and chemical-laden toxic sludges and air pollution that not

only make it impossible for nearby residents to sit outside or open their windows but cause serious health problems and contribute to climate change.³⁶

Despite these well-documented impacts, the USDA has refused to consider the environmental impacts of its slaughterhouse policies, including policies that significantly increase pollution by increasing the number of animals slaughtered.³⁷ Moreover, many slaughterhouses routinely violate even lax federal environmental standards with impunity. An analysis by the Environmental Integrity Project found that three-quarters of US slaughterhouses examined “exceeded at least one of the pollution limits in their” Clean Water Act permits, “rack[ing] up a total of 1,142 separate violations for exceeding pollution limits”—less than 1% of which had been resolved by the Environmental Protection Agency.³⁸ And those cases that were resolved involved fines that were a minuscule fraction of the potential penalties faced, making them a cost of doing business, at most.³⁹ Yet in defending its refusal to consider the environmental impacts of its slaughterhouse policies, the USDA routinely points to slaughterhouses’ obligation to comply with federal environmental policies.

Animal suffering at slaughter

Animal suffering at slaughterhouses has been well documented, including through numerous undercover investigations, whistleblower reports, and government reports. Although the Humane Methods of Slaughter Act (HMSA) mandates that slaughterhouses handle and kill livestock “humanely,” the USDA has interpreted this law to apply only to mammals, thus excluding birds—the vast majority of land animals killed for food—from even these basic protections.⁴⁰ The agency purports to nevertheless require humane handling and slaughter of birds under the Poultry Products Inspection Act, but its stated policy is to take action *only* if inhumane handling or slaughter rises to the level of “a process control issue,” meaning that the agency does not require humane treatment on a “bird-by-bird” basis and considers enforcement only if there is an “ongoing pattern or trend of” inhumane handling or slaughter.⁴¹ As a result,

slaughterhouses have been repeatedly documented throwing and hitting chickens, even ripping their bodies from their legs, without enforcement, as well as allowing fully conscious chickens to enter scald tanks intended to remove feathers from dead birds.⁴² These birds—about a million of them annually, according to USDA data—die from scalding or asphyxiation.⁴³

Despite the HMSA, mammals also suffer similarly at slaughterhouses, including violent handling and being fully conscious when having their throats slit, when entering scald tanks, and even when being dismembered.⁴⁴ The USDA’s own Office of Inspector General has repeatedly condemned the agency’s poor enforcement of the HMSA, concluding that it “lacks assurance that inspectors working at slaughter establishments are ensuring that animals are humanely treated.”⁴⁵ The Government Accountability Office has likewise concluded that the USDA “cannot ensure that it is preventing the abuse of livestock at slaughter plants or that it is meeting its responsibility to fully enforce HMSA.”⁴⁶

Downed animals—those who are too sick or injured to stand or walk—are especially vulnerable to inhumane handling at slaughter. For example, recent USDA records document slaughterhouse workers kicking, shocking, and dragging downed pigs to try to get them to rise.⁴⁷ Downed animals are also often set aside in overcrowded slaughterhouse pens for prolonged periods without water or protection from the elements.⁴⁸ The USDA has documented fatal trampling, frostbite, and confinement in direct sunlight when temperatures exceed 100 degrees Fahrenheit in these pens.⁴⁹ Downed animals also pose heightened zoonotic risks. For example, an industry-funded study found that more than half of downed pigs were actively infected with H1N1, an airborne flu virus transmissible between pigs and humans.⁵⁰ In 2009, H1N1 sickened 60.8 million Americans, killing 12,469 people.⁵¹

Because of the unique humane handling issues and other concerns implicated by downed animals, in 2002 Congress directed the USDA to study and report on their treatment and promulgate any regulations needed to protect these animals.⁵² Despite the passage of nearly two decades, the agency has

yet to comply with these mandates. That same year, Congress also passed a resolution “expressing the sense of the Congress that the Humane Methods of Slaughter Act ... should be fully enforced so as to prevent needless suffering of animals.”⁵³ This precatory resolution has likewise gone unheeded by the USDA.

The compounding impacts of slaughter deregulation

In recent years, rather than address these regulatory failures, the USDA has exacerbated them by deregulating slaughter, including removing or increasing line speed limits, with an explicit goal of increasing the overall number of animals slaughtered annually by millions.⁵⁴ These production increases lead to even greater demands on natural resources, more pollution, and more animal suffering.⁵⁵ And faster line speeds increase the likelihood that animals will be violently handled and will be conscious when having their throats slit and entering the scald tank, as well as the likelihood that workers will be injured.⁵⁶ Because faster line speeds aggravate harms to workers, animals, and the environment, they underscore the interconnectedness of these interests.

Slaughter and an expanded One Health approach

Need for an expanded One Health framework

As we argue below, the current regulatory framework’s failure to protect workers, animals, and the environment underscores the need for a new regulatory approach. However, any new regulatory apparatus would risk reproducing the same harms if it is not guided by an alternative paradigm that recognizes the interconnection and interdependency of human, animal, and environmental health. Emerging almost two decades ago out of growing concern over the danger of a global pandemic stoked by the emergence of zoonotic diseases such as SARS and avian influenza, the “One Health” concept is a public health policy approach based on the interconnected health of people, animals, plants, and the environment.⁵⁷ The CDC defines

One Health as “a collaborative, multisectoral, and transdisciplinary approach—working at the local, regional, national, and global levels—with the goal of achieving optimal health outcomes recognizing the interconnection between people, animals, plants, and their shared environment.”⁵⁸ Similarly, the World Health Organization defines One Health as “an approach to designing and implementing programs, policies, legislation, and research in which multiple sectors communicate and work together to achieve better public health outcomes.”⁵⁹ The One Health approach is essential to effective public health policy efforts, a fact only underscored by the COVID-19 pandemic. However, One Health’s potential for improving the health and well-being of humans, animals, and the environment at every scale has yet to be fully realized, with application of the approach focused primarily on issues such as food safety, antibiotic resistance, and targeted zoonoses.⁶⁰

One path through which the One Health approach could more effectively deliver on its intended goals entails recognizing rights and justice as fundamental priorities in achieving health policy goals. As philosopher Joachim Nieuwland observes, “human rights are not a prominent part of discussions on [One Health]. This absence is alarming considering the fact that human rights reflect the basic entitlement of justice.”⁶¹ By centering rights and justice for humans and animals as the primary mechanisms for realizing optimal health outcomes, an expanded One Health approach would enable a more effective and impactful realization of One Health’s potential by enlarging its focus to a broader range of social and environmental contexts, including the prevention of physical and mental trauma to individual humans and animals in the industrial food system. Rights are essential to this approach precisely because they shape and are shaped by the same interspecies connections that are so influential on the health and well-being of humans and animals.

Slaughterhouses in the United States provide an exemplary model of how human and animal rights are as interconnected as human and animal health. As the problems outlined above demon-

strate, the deprivation of even basic legal protections for animals in the slaughterhouse setting negatively impacts the rights of human workers as well. On the other hand, implementing policies that recognize and strengthen animals' rights would also improve the health and well-being of workers. We thus argue that protection measures grounded in this recognition are a necessary (though not sufficient) condition for ameliorating many of these harms.

The interconnected harms described here can be completely eliminated only by ending industrial slaughter entirely. However, safeguarding and strengthening rights in the regulation and oversight of slaughterhouse work would provide an essential and obtainable form of harm reduction in the short term, as well as a platform on which to build more robust protections.

Integrating an expanded One Health approach into slaughter regulation

In her analysis of how the regulation of slaughter line speeds in Canadian slaughterhouses negatively impacts both humans workers and animals, legal scholar Sarah Berger Richardson illustrates how “regulatory decisions in food safety governance have profound implications on animal welfare and occupational health and safety,” and when these decisions “discount social-cultural and moral perspectives about how workers and animals should be treated in the decision-making process, real harm results.”⁶² Considering how the safety and health of animals, human workers, and (indirectly through meat products) consumers are all affected by conditions such as the speed of the slaughter line, she argues that it is “imperative to take seriously the interconnectedness between all three and the social impacts of the acceleration of [slaughter] on the well-being of humans ... and animals that meet on the kill floor.”⁶³ A One Health approach that prioritizes the interests of the human and animal rights-bearers on the kill floor, albeit constrained by the practice of slaughter itself, is a prerequisite to any regulatory system that can begin to adequately address these concerns.

The current regulatory framework, ostensibly intended to protect the health and well-being

of workers, animals, and consumers in the US slaughter industry, is frequently undermined by the USDA's primary mandate to promote US agricultural production, leading to the prioritization of industry economic interests and the enabling of extensive externalization of ecological, animal, and worker and public health costs. Take food safety, for example. As Berger Richardson observes in the Canadian context (which shares many parallels with US slaughter regulation), “A fast-paced and efficient assembly line is central to modern industrialized methods of meat production,” so the meat processing production line is designed to “disassemble an animal into food as quickly as possible.”⁶⁴ Within this context, “food safety is defined negatively. Safety is assessed on the basis of the absence of hazards, with little guidance as to the positive attributes that we want in our food.”⁶⁵ However, this approach “results in a failure to account for other tangential harms, societal or environmental, associated with production methods. Consequently, even the most thorough study of the impact on microbial safety of speeding up or slowing down production lines can rule out corresponding risks for workers and animals as outside its jurisdiction.”⁶⁶

Most recently, the waiving of line speed restrictions during the COVID-19 pandemic has exposed human workers to greater risk of both injury and viral infection while exposing animals to increased risk of severe suffering, including from having their throats slit and entering scald tanks while still conscious, not to mention increased food safety risks as a result of meat contamination.⁶⁷ The USDA's approval of an unprecedented number of line speed waivers coincided with former US President Donald Trump—citing concerns about potential liability to meatpacking corporations—signing an executive order in April 2020 to use the Defense Production Act to give slaughterhouses cover to stay open. These actions were taken despite the obvious danger to workers as slaughterhouses rapidly became significant hubs of infection early in the pandemic. In fact, meat companies knowingly fueled the virus's spread by intentionally concealing early cases among workers while requiring employees to work in close proximity without any

protection.⁶⁸ A lawsuit filed against Tyson Foods, for example, alleged that managers at the Waterloo pig slaughterhouse described above not only misled employees about the risk of COVID-19 exposure but even bet on how many workers would be sickened by the coronavirus.⁶⁹ As Berger Richardson notes, the “prevalence of COVID-19 among slaughterhouse workers should come as no surprise ... With COVID-19, dangerous working conditions were made worse.”⁷⁰

A regulatory framework prioritizing rights, particularly the rights of both humans and animals, and recognizing the fundamental interdependence of human and animal health would have led to radically different policies during 2020–2021, which likely would have prevented human and animal suffering that was instead aggravated by the current regulatory system. An expanded One Health approach to slaughterhouse regulation would have not only prevented line speed limit waivers but also drastically curtailed current speeds. Similarly, the obvious necessity of closing slaughterhouses entirely until companies could implement social distancing measures, ventilation infrastructure, and access to personal protective equipment would have likely led to much lower infection rates at US slaughterhouses and the communities they are situated in. Of course, the meat industry would have experienced financial impacts from such policies, but a rights-centered approach to human and animal health would have enabled policymakers to clearly identify and follow courses of action that prioritized rights, health, and well-being without the distraction of industry interests seeking to skew that process toward policies that maximize profit at the expense of vulnerable humans and animals.

To facilitate such a shift in policy priorities, though, we must stop looking to the USDA to provide protections that conflict with its primary mandate: the support of US agricultural industries. Historically, the USDA has had primary responsibility for slaughterhouse oversight, a responsibility that its own Office of Inspector General has found it to have failed to take seriously. It should perhaps come as no surprise that an agency whose primary mandate is to promote agriculture has a tepid—at

best—interest in regulating agribusiness. In other words, the USDA is structurally unable to meaningfully implement anything like an expanded One Health approach to slaughterhouse regulation because doing so is incompatible with its goal of industry support. In the United States and around the globe, the meat industry is one in which “vulnerable animals are often slaughtered by some of society’s most vulnerable humans.”⁷¹ For policies that reduce that vulnerability and improve the well-being of both humans and animals, we need a regulatory agency that can embrace the principles of an expanded One Health approach to the fullest extent possible within a context that still allows the slaughter of animals.

Proposing a federal Slaughterhouse Oversight Commission

The gross failure of our federal laws and agencies to protect even the most basic interests of workers, the environment, and animals from the myriad harms inflicted by slaughterhouses—and, indeed, the role of these agencies in actively disregarding the interests of these stakeholders to facilitate greater industry profits—warrants urgent attention. The COVID-19 pandemic has aggravated the longstanding plight of slaughterhouse workers, while simultaneously giving industry cover to further disregard worker interests, including in ways that inflict further harms on animals and the environment, such as faster line speeds.

Scholar Jeff Welty has recommended that responsibility for HMSA enforcement be removed from the Food Safety and Inspection Service of the USDA and given to the Animal and Plant Health Inspection Service (APHIS), another USDA sub-agency, citing APHIS’s existing responsibilities under the Animal Welfare Act and lack of ties to agribusiness.⁷² However, given APHIS’s chronic failure to adequately enforce the Animal Welfare Act and its focus on treating regulated entities as “customers” to whom it provides “services,” we strongly disagree with this recommendation.⁷³

David Cassuto and Cayleigh Eckhardt have expanded on Welty’s passing alternative suggestion of a new, standalone agency, proposing the creation

of an entirely new—and, importantly, independent—federal agency, which they tentatively call the “Animal Welfare Agency.”⁷⁴ For many reasons—some addressed in this paper, including the USDA’s failure to adequately enforce the HMSA, refusal to apply that statute beyond mammals, and failure to adequately protect birds from inhumane handling under the Poultry Products Inspection Act—and others beyond the scope of this paper, we strongly support the creation of an independent animal protection agency. Assigning primary HMSA responsibility to such an agency would help ensure that protecting animals does not take a back seat to promoting agriculture. Moreover, greater protections for animals at slaughter would frequently align with safer conditions for workers and the environment. For example, slower line speeds reduce the likelihood of both animal suffering and worker injuries, while also limiting overall production, which translates to reduced resource demands and pollution.

The creation of an entirely new federal agency—especially one that will likely meet opposition by agribusiness—will take significant time and resources. It is a worthwhile endeavor, but the irreversible harms being inflicted daily on workers, the environment, and animals by slaughterhouses need timely attention. Moreover, as detailed in this paper, workers and the environment also suffer discrete and serious harms inflicted by slaughterhouses that, though they may be mitigated by an animal protection agency, warrant closer scrutiny and swift remedial attention in their own right. The interconnected interests implicated by slaughterhouses call for an integrative regulatory approach.

Accordingly, we recommend the creation of a Slaughterhouse Oversight Commission that is tasked with applying, to the fullest extent possible within the context of animal slaughter, an expanded One Health framework to investigate, report on, and make recommendations regarding the issues set forth in this paper. Of course, numerous nonprofit organizations are already engaged in investigations, reports, and recommendations related to these issues—indeed, many of them are cited and relied upon herein. But none of them address the

issues holistically. Moreover, these private bodies lack the ability to readily access the information needed to fully assess these issues. A government commission, by contrast, could be fully empowered to issue subpoenas. Recommendations from a federal commission would also carry more weight. Furthermore, federal commissions are uniquely positioned to facilitate cross-agency collaborations and communications, which is especially important in the context of slaughterhouses, given the overlapping responsibilities of various federal agencies, including the USDA, OSHA, and Environmental Protection Agency.

There is ample precedent for such an approach, including the US Commission on Civil Rights, Marine Mammal Commission, and many more. Admittedly, no such commission has taken an explicitly interconnected approach. But no other issue has called out so clearly for such an approach. And never before in our history has the overlapping nature of human, animal, and environmental interests been so clear. Indeed, such a commission could serve as a model for tackling other issues affecting the health of humans, animals, and the environment.

There is also existing momentum that could be seized, including from the House Committee on Appropriations’ March 2021 Hearing on Health and Safety Protections for Meatpacking, Poultry, and Agricultural Workers; the Select Subcommittee on the Coronavirus’s ongoing investigation into widespread coronavirus infections and deaths in meatpacking plants; and strong coalition work by animal, consumer, environmental, and worker protection advocates against the deregulation of slaughter.⁷⁵ As Berger Richardson observes, “the pandemic has created a unique policy window to address systemic problems with the way animals are currently slaughtered for food; a policy window that should be seized.”⁷⁶

Conclusion

The dual, and intertwined, impacts of the COVID-19 pandemic and line speed increases on slaughterhouses and the vulnerable beings they

exploit have shone a bright light on the usually hidden world of industrial animal slaughter. These recent developments have exacerbated an already bad situation for workers, animals, and the environment, but in doing so have garnered unprecedented attention—attention that highlights the interconnected nature of human, animal, and environmental health and well-being and the central role of rights in protecting them. This unique historical moment is an opportunity to take a novel regulatory approach that recognizes the interconnection and interdependency of human, animal, and environmental health. A rights-centered and expanded One Health approach provides the necessary conceptual foundation for a new regulatory framework for the slaughter industry that can better address the interconnected rights, health, and well-being of humans and animals.

*Postscript

As this article went to print, two significant developments unfolded that underscore the need for a rights-centered regulatory framework in the United States that recognizes the interconnected interests of slaughterhouse workers, animals, and the environment. First, the House Select Subcommittee on the Coronavirus issued a damning report finding that COVID-19 deaths and infections among slaughterhouse workers were up to three times higher than previously thought, that meatpacking employers prioritized profits and production over worker safety, that the government agencies charged with protecting these workers failed to do so, and that minority workers were disproportionately impacted.⁷⁷ Second, the US Department of Agriculture announced the launch of a new trial program allowing pig slaughterhouses to operate without line-speed limits so long as they implement baseline worker safety measures and assess worker impacts, but without any special requirements regarding animals or the environment.⁷⁸

Acknowledgments

We thank Natassia Tuhovak and Kyle Ash for their

invaluable research assistance and the two anonymous peer reviewers for their excellent feedback.

References

1. M. Grabell and B. Yeung, “The battle for Waterloo,” *Propublica* (December 21, 2020). Available at <https://features.propublica.org/waterloo-meatpacking/as-covid-19-ravaged-this-iowa-city-officials-discovered-meatpacking-executives-were-the-ones-in-charge>.
2. Ibid.
3. K. Vašák, “Human rights: A thirty-year struggle: The sustained efforts to give force of law to the Universal Declaration of Human Rights,” *UNESCO Courier* 30/11 (1977), pp. 29–32.
4. Phoenix Zones Initiative, *What is Just One Health?* Available at <http://www.phoenixzonesinitiative.org/what-is-just-one-health>.
5. D. J. Wolfson and M. Sullivan, “Foxes in the hen house: Animals, agribusiness, and the law; A modern American fable,” in C. R. Sunstein and M. C. Nussbaum (eds), *Animal rights: Current debates and new directions* (Oxford: Oxford University Press, 2004), pp. 205–226.
6. See C. R. Sunstein, “The rights of animals,” *University of Chicago Law Review* 70 (2003).
7. N. T. Dollar, “Who are America’s meat and poultry workers?,” *Economic Policy Institute* (September 24, 2020). Available at <https://www.epi.org/blog/meat-and-poultry-worker-demographics/>.
8. S. Fremstad, H. Jin Rho, and H. Brown, “Meatpacking workers are a diverse group who need better protections,” Center for Economic and Policy Research (April 29, 2020). Available at <https://cepr.net/meatpacking-workers-are-a-diverse-group-who-need-better-protections/>.
9. E. Harbin, “OSHA regional instruction: Regional emphasis program for poultry processing facilities,” OSHA (October 1, 2019). Available at https://www.osha.gov/sites/default/files/enforcement/directives/CPL_2_02-02-030A.pdf.
10. “Testimony of Debbie Berkowitz on health and safety protections for meatpacking, poultry, and agricultural workers,” National Employment Law Project (March 2, 2021), pp. 3–4. Available at <https://www.nelp.org/publication/testimony-debbie-berkowitz-health-safety-protections-meatpacking-poultry-agricultural-workers/>.
11. Ibid.
12. S. Berger Richardson, “From slow food to slow meat: Slowing line speeds to improve worker health and animal welfare in Canadian abattoirs,” *Alberta Law Review* (October 2, 2021), pp. 99–115. Available at <https://albertalawreview.com/index.php/ALR/article/view/2666>.
13. Y. Chen, M. Glymour, A. Riley, et al., “Excess mortality associated with the COVID-19 pandemic among

Californians 18–65 years of age, by occupational sector and occupation: March through October 2020,” *MedRxiv* (January 22, 2021).

14. J. Steinberg, E. D. Kennedy, Colin Basler, et al., “COVID-19 outbreak among employees at a meat processing facility—South Dakota, March–April 2020,” *Morbidity Mortality Weekly Report* (August 7, 2020). Available at <https://www.cdc.gov/mmwr/volumes/69/wr/mm6931a2.htm>.

15. FERN, *Mapping COVID-19 outbreaks in the food system*. Available at <https://thefern.org/2020/04/mapping-covid-19-in-meat-and-food-processing-plants/>.

16. “Testimony of Debbie Berkowitz” (see note 10), p. 4.

17. M. A. Waltenburg, T. Victoroff, C. E. Rose, et al., “Update: COVID-19 among workers in meat and poultry processing facilities—United States, April–May 2020,” *Morbidity Mortality Weekly Report* (July 10, 2020). Available at <https://www.cdc.gov/mmwr/volumes/69/wr/mm6927e2.htm>.

18. FERN (see note 15).

19. C. Abbot, “House panel asks meatpackers how many Covid-19 infections and deaths they had at their plants,” *FERN’s Ag Insider* (September 15, 2021). Available at https://thefern.org/ag_insider/house-panel-asks-meatpackers-how-many-covid-19-infections-and-deaths-they-had-at-their-plants/.

20. *Ibid.*

21. C. A. Taylor, C. Boulos, and D. Almond, “Livestock plants and COVID-19 transmission,” *PNAS* 117/50 (2020), pp. 31706–31715.

22. T. Telford and K. Kindy, “As they rushed to maintain US meat supply, big processors saw plants become COVID-19 hot spots, worker illnesses spike,” *Washington Post* (April 25, 2020). Available at <https://www.washingtonpost.com/business/2020/04/25/meat-workers-safety-jbs-smithfield-tyson/>.

23. M. Perez, “‘Please do something’: As COVID-19 swept through Wisconsin food plants, companies, government failed to protect workers,” *Milwaukee Journal Sentinel* (January 22, 2021). Available at <https://www.jsonline.com/story/news/2020/07/31/wisconsin-food-plants-failed-protect-workers-covid-19-smithfield-birds-eye-diversified-meats-calumet/5334812002/>.

24. K. Shepherd, “‘The food supply chain is breaking’: Tyson Foods raises coronavirus alarm in full-page ads, defends safety efforts,” *Washington Post* (April 27, 2020). Available at <https://www.washingtonpost.com/nation/2020/04/27/tyson-food-supply-coronavirus/>; M. Corkery and D. Yaffe-Bellany, “As meat plants stayed open to feed Americans, exports to China surged,” *New York Times* (June 16, 2020). Available at <https://www.nytimes.com/2020/06/16/business/meat-industry-china-pork.html>.

25. P. Mesendz, P. Waldman, and L. Mulvany, “US meat plants are deadly as ever, with no incentive to change,” *Bloomberg* (June 18, 2020). Available at [\[plants-were-allowed-to-become-coronavirus-hot-spots\]\(https://www.bloomberg.com/news/features/2020-06-18/how-meat-plants-were-allowed-to-become-coronavirus-hot-spots/\); T. Jett, “Iowa JBS meatpacking employees warned of ‘excessive absenteeism’ as pandemic continues,” *Des Moines Register* \(June 17, 2020\). Available at <https://www.desmoinesregister.com/story/money/business/2020/06/17/covid-19-iowa-letter-warns-meatpacking-workers-excess-absences/3202317001/>; F. Hussein, “USDA OKs record number of poultry line-speed waivers in April,” *Bloomberg Law* \(April 22, 2020\). Available at <https://news.bloomberglaw.com/safety/usda-oks-record-number-of-poultry-line-speed-waivers-in-april/>; M. Grant, C. Basler, J. Jacobs, et al., “Strategies to reduce COVID-19 transmission at the Smithfield Foods Sioux Falls Pork Plant,” CDC Memorandum \(April 22, 2020\), p. 7. Available at \[https://covid.sd.gov/docs/smithfield_recs.pdf\]\(https://covid.sd.gov/docs/smithfield_recs.pdf\); Taylor et al. \(see note 21\).](https://www.bloomberg.com/news/features/2020-06-18/how-meat-</p>
</div>
<div data-bbox=)

26. “Testimony of Debbie Berkowitz” (see note 10), pp. 7–8. M. Mazzetti, N. Weiland, and S. Gay Stolberg, “Under Pence, politics regularly seeped into the Coronavirus Task Force,” *New York Times* (October 8, 2020). Available at <https://www.nytimes.com/2020/10/08/us/politics/pence-coronavirus-task-force.html>.

27. Mazzetti, N. Weiland, and S. Gay Stolberg, “Under Pence, politics regularly seeped into the Coronavirus Task Force,” *New York Times* (October 8, 2020). Available at [https://urldefense.proofpoint.com/v2/url?u=https-3A__www.nytimes.com_2020_10_08_us_politics_pence-2Dcoronavirus-2Dtask-2Dforce.html&d=DwMFaQ&c=WO-RGvefibhHBZq3fL85h-Q&r=1AwYAmgwVpsQNT05_Mi6ffu1OXTU-48e14R-M9Gfj_5U&m=7KragzhRxKWP8dhfjl_1UDSFZh_ATZ9Dqea2nKL3-uA&s=7092WvMmXZalvmQKYsPo-FOyOKgomMqmXon-Q09sP6XY&e=">https://www.nytimes.com/2020/10/08/us/politics/pence-coronavirus-task-force.html](https://urldefense.proofpoint.com/v2/url?u=https-3A__www.nytimes.com_2020_10_08_us_politics_pence-2Dcoronavirus-2Dtask-2Dforce.html&d=DwMFaQ&c=WO-RGvefibhHBZq3fL85h-Q&r=1AwYAmgwVpsQNT05_Mi6ffu1OXTU-48e14R-M9Gfj_5U&m=7KragzhRxKWP8dhfjl_1UDSFZh_ATZ9Dqea2nKL3-uA&s=7092WvMmXZalvmQKYsPo-FOyOKgomMqmXon-Q09sP6XY&e=).

28. D. Kravitz, “The feds told Illinois to leave Rochelle Foods alone. Then a second COVID-19 outbreak hit,” *USA Today* (January 18, 2021). Available at <https://www.usatoday.com/story/news/investigations/2021/01/18/trump-admin-told-illinois-keep-rochelle-foods-open-covid-19-hit/4196577001/>.

29. Environmental Integrity Project, *Water pollution from slaughterhouses* (October 11, 2018), p. 3. Available at <https://environmentalintegrity.org/wp-content/uploads/2018/10/Slaughterhouse-report-2.14.2019.pdf>.

30. C. Bustillo-Lecompte and M. Mehrvar, “Slaughterhouse wastewater: Treatment, management and resource recovery” (May 3, 2017). Available at <https://www.intechopen.com/books/physico-chemical-wastewater-treatment-and-resource-recovery/slaughterhouse-wastewater-treatment-management-and-resource-recovery>; J. P. Ortiz Partida, “The world is in a water crisis and climate change is making it worse,” Union of Concerned Scientists (September 9, 2019). Available at <https://blog.ucsusa.org/pablo-ortiz/the-world-is-in-a-water-crisis->

and-climate-change-is-making-it-worse.

31. D. Replegle and D. J. Winders, "Accelerating catastrophe: Slaughter line speeds and the environment," *Environmental Law* (forthcoming); Environmental Integrity Project (see note 29), pp. 13-14.

32. Environmental Protection Agency, *Preliminary effluent guidelines program plan 15* (September 2021), sec. 6.2. Available at <https://www.epa.gov/system/files/documents/2021-09/prepublication-preliminary-elg-plan-15.pdf>.

33. *Ibid.*

34. Environmental Integrity Project (see note 29), pp. 1, 9, 23-24.

35. Environmental Protection Agency, *Economic and environmental benefits analysis of the final meat and poultry products rule* (February 2004). Available at https://www.epa.gov/sites/production/files/2015-11/documents/meat-poultry-products_eeba_2004.pdf; Environmental Integrity Project (see note 29), p. 13.

36. I. H. Franke-Whittle and H. Insam, "Treatment alternatives of slaughterhouse wastes, and their effect on the inactivation of different pathogens: A review," *Critical Reviews in Microbiology* 39/2 (2013), pp. 139-151; Environmental Integrity Project (see note 29), pp. 23-24.

37. Replegle and Winders (see note 31).

38. Environmental Integrity Project (see note 29), p. 14.

39. *Ibid.*, pp. 16-17.

40. 7 USC. § 1902; "Letter from C. M. Rottenberg, acting deputy under secretary, US Department of Agriculture to V. Bala, general counsel, Mercy For Animals" (March 14, 2018). Available at https://www.fsis.usda.gov/sites/default/files/media_file/2021-04/17-06-FSIS-Response-Letter-03142018.pdf.

41. United States Department of Agriculture Food Safety Inspection Service, "Treatment of live poultry before slaughter," *Federal Register* 70 (September 28, 2005); United States Department of Agriculture Food Safety Inspection Service, "Verification of poultry good commercial practices," USDA Food Safety Inspection Service Directive 6110.1 (July 3, 2018), p. 3.

42. Animal Outlook, *Amick Farms: High-speed chicken slaughterhouse exposed*. Available at <https://animaloutlook.org/investigations/amick-farms/>; Mercy For Animals, *End high-speed cruelty*. Available at <https://highspeedcruelty.com/>.

43. K. Kindy, "USDA plan to speed up poultry-processing lines could increase risk of bird abuse," *Washington Post* (October 29, 2013). Available at https://www.washingtonpost.com/politics/usda-plan-to-speed-up-poultry-processing-lines-could-increase-risk-of-bird-abuse/2013/10/29/aeeffe1e-3b2e-11e3-b6a9-da62c264f40e_story.html.

44. J. Warrick, "They die piece by piece," *Washington Post* (April 10, 2001). Available at <https://www.washingtonpost.com/archive/politics/2001/04/10/they-die-piece-by-piece/f172dd3c-0383-49f8-b6d8-347e04b68da1/>; Animal Outlook, *Hormel: USDA-approved high speed slaughter hell*. Available

at <https://animaloutlook.org/investigations/hormel/>; Declaration of Jill Mauer, *Farm Sanctuary v. US Department of Agriculture*, No. 19-cv-6910-EAW, W.D.N.Y. (April 10, 2020), para. 14.

45. United States Department of Agriculture Office of Inspector General, "Food Safety and Inspection Service followup on the 2007 and 2008 audit initiatives," Audit Report 24016-0001-23 (June 2017), p. 23. Available at <https://www.usda.gov/sites/default/files/24016-0001-23.pdf>.

46. Government Accountability Office, "Humane Methods of Slaughter Act: Actions are needed to strengthen enforcement," GAO-10-203 (February 2010), p. 12. Available at <https://www.gao.gov/assets/gao-10-203.pdf>.

47. K. Kindy, "Downed pigs are turned into pork products. A new lawsuit seeks to stop that," *Washington Post* (February 6, 2020). Available at https://www.washingtonpost.com/national/downed-pigs-are-turned-into-pork-products-a-new-lawsuit-seeks-to-stop-that/2020/02/06/3f8302ea-46c8-11ea-bc78-8a18f7afcee7_story.html.

48. *Farm Sanctuary v. Perdue*, No. 20-cv-06081, W.D.N.Y. (April 20, 2020), paras. 9, 145-146.

49. *Ibid.*

50. M. A. Sutherland, "Health of non-ambulatory, non-injured pigs at processing," *Livestock Science* 116 (2008), p. 237.

51. S. S. Shrestha, D. L. Swerdlow, R. H. Borse, et al., "Estimating the burden of 2009 pandemic influenza A (H1N1) in the United States," *Clinical Infectious Diseases* 52/Suppl. 1 (2011), pp. S75-S82.

52. Farm Security and Rural Investment Act of 2002, Pub. L. 107-171, title X, § 10815, 116 Stat. 532, codified at 7 USC. § 1907 (2002).

53. Senate Concurrent Resolution 45: A concurrent resolution expressing the sense of Congress that the Humane Methods of Slaughter Act of 1958 should be fully enforced so as to prevent needless suffering of animals (August 1, 2001). Available at <https://www.congress.gov/bill/107th-congress/senate-concurrent-resolution/45/text>.

54. Replegle and Winders (see note 31).

55. *Ibid.*

56. J. Chapman, I. Seggerman, and D. Winders, "Slaughterhouse deregulation: A View of the effects on animals, workers, consumers, and the environment," *Brief* (summer 2021). Available at https://www.americanbar.org/groups/tort_trial_insurance_practice/publications/the_brief/2020-21/summer/slaughterhouse-deregulation-view-effects-animals-workers-consumers-environment/.

57. M. Cristina Schneider, C. Munoz-Zanzi, K. Min, et al., "'One Health' from concept to application in the global world," *Oxford Research Encyclopedia of Global Public Health* (April 26, 2019).

58. Centers for Disease Control and Prevention, *One Health basics* (November 5, 2018). Available at <https://www.cdc.gov/onehealth/basics>.

59. World Health Organization, *One Health*. Available at

<https://www.euro.who.int/en/health-topics/health-policy/one-health>.

60. J. Nieuwland, "Towards an interspecies health policy: Great apes and the right to health" (PhD dissertation, Leiden University, 2020), p. 9. Available at <https://scholarlypublications.universiteitleiden.nl/handle/1887/87894>.

61. *Ibid.*, p. 10.

62. Berger Richardson (see note 12), p. 101.

63. *Ibid.*, p. 115.

64. *Ibid.*, p. 108.

65. *Ibid.*, p. 102.

66. *Ibid.*, pp. 102-103.

67. Chapman et al. (see note 56).

68. L. Fang, "Employees say Smithfield plant in Wisconsin concealed COVID-19 infections, pressured them to work elbow to elbow without protection," *Intercept* (April 19, 2020). Available at <https://theintercept.com/2020/04/19/smithfield-foods-wisconsin-coronavirus/>.

69. Grabell and Yeung (see note 1).

70. Berger Richardson (see note 12), p. 112.

71. C. Newkey-Burden, "There's a Christmas crisis going on: No one wants to kill your dinner," *Guardian* (November 19, 2018). Available at <https://www.theguardian.com/commentisfree/2018/nov/19/christmas-crisis-kill-dinner-work-abattoir-industry-psychological-physical-damage>; see also Berger Richardson (see note 12), pp. 109-111.

72. J. Welty, "Humane slaughter laws," *Law and Contemporary Problems* 70 (2007), pp. 175, 197.

73. United States Department of Agriculture Office of Inspector General, "APHIS oversight of research facilities," Audit No. 33601-0001-41 (December 2014), Executive Summary, pp. 1-3. Available at <https://www.usda.gov/oig/webdocs/33601-0001-41.pdf>; D. J. Winders, "Administrative law enforcement, warnings, and transparency," *Ohio State Law Journal* 79 (2018), p. 451.

74. D. N. Cassuto and C. Eckhardt, "Don't be cruel (anymore): A look at the animal cruelty regimes of the United States and Brazil with a call for a new animal welfare agency," *Boston College Environmental Affairs Law Review* 43/1 (2016), p. 34.

75. House Committee on Appropriations, "Health and safety protections for meatpacking, poultry, and agricultural workers" (March 2, 2021). Available at <https://appropriations.house.gov/events/hearings/health-and-safety-protections-for-meatpacking-poultry-and-agricultural-workers>; Select Subcommittee on the Coronavirus Crisis, "Select subcommittee launches investigation into widespread coronavirus infections and deaths in meatpacking plants" (February 1, 2021). Available at <https://coronavirus.house.gov/news/press-releases/select-subcommittee-launches-investigation-widespread-coronavirus-infections-and>.

76. Berger Richardson (see note 12), p. 99.

77. Select Subcommittee on the Coronavirus Crisis, House of Representatives, Congress of the United States, Memorandum, 27 October 2021, available at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.10.27%20Meatpacking%20Report.Final_.pdf

78. US Department of Agriculture, Constituent Update, 12 November 2021. Available at <https://www.fsis.usda.gov/news-events/news-press-releases/constituent-update-november-12-2021>.

