

Submission
No 325

**INQUIRY INTO USE OF BATTERY CAGES FOR HENS IN
THE EGG PRODUCTION INDUSTRY**

Name: Name suppressed

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Partially
Confidential

**Submission to the Legislative Council Select Committee on the
Use of Battery Cages for Hens in the Egg Production Industry:**

**Inquiry into the Use of Battery Cages for Hens in the Egg
Production Industry**

Dear Committee members,

I appreciate the opportunity to lodge the following submission to the **NSW Legislative Council Select Committee on the Use of Battery Cages for Hens in the Egg Production Industry**.

Background and Opening Statement

I have been a veterinarian for almost 5 years, and studied and worked to achieve this goal for a further 7 years, so upholding animal welfare is a priority for me. As part of my undergraduate studies I have visited battery, cage and barn facilities and saw first-hand the impact of these facilities on hen health and behaviour. It is clear that hens in battery cage systems do not have sufficient ability to choose how they spend their time, where they rest, to remove themselves from painful or irritating stimuli (e.g. uncomfortable wire floors, cramped conditions, feather pecking).

I have also rehomed 4 battery hens from a battery cage system who were due to be culled as they had reached the end of their 'productive' life. They were less than 2 years of age, in contrast to domestic chickens in more appropriate settings who can live to 10 years or more. It was lovely to see how quickly they could adapt to an outdoor lifestyle, learnt to peck, dust bathe and rake their legs through leaf litter. They could experience natural, warm sunlight. They all had very obvious unique personalities. Their feathers grew back and their nails were trim and not overgrown. It was sad to see that one hen in particular had her beak cut far too short when she was in the battery system as a young chick - when she came to me she had some respiratory obstruction but this resolved quickly once she was out of the intensive system.

I had these ex-battery hens at home for a period of only 6-18 months over which time they all succumbed to the effects of their high production lifestyles - they all developed yolk peritonitis - an unfortunate condition that is very deadly and occurs particularly in breeds developed for high production. I have long been an advocate of more welfare friendly housing for hens and am often outspoken about this. Thus it was surprising that my own mother, who had heard me tell her of the suffering of caged hens was really moved by the poor condition of these hens when we brought them home from the battery system. She was shocked they could look so bad and surprised that this was allowed to continue. I think many people feel that in a country like Australia we would not allow our animals to suffer in such a way but to me, someone with advanced training in animal physiology and welfare, it is clear that caged hens are suffering.

It is imperative that we urgently move away from allowing hens to be confined to battery cages, particularly those that do not contain any enrichment activities. In 2019, for hens to have the equivalent of an A4-size sheet of paper in floor space on which to live for the duration of their short lives is unconscionable. Not only can they not perform other normal behaviours, they **CANNOT EVEN EXTEND THEIR WINGS**.

Research has shown that hens in battery cages suffer from:

* extreme behavioural deprivation;

- * the highest rates of disuse osteoporosis (brittle bones);
- * the highest rates of bone fractures at depopulation; and
- * the highest rates of non-infectious diseases such as fatty liver disease.

All of these health and welfare problems are inherently associated with the battery cage system itself. They cannot be addressed through good management.

The abundance of scientific literature on this topic has led the European Union Scientific Veterinary Commission, the National Animal Welfare Advisory Committee of New Zealand, and the National Farm Animal Care Council of Canada to conclude that battery cages cannot meet the welfare needs of hens and must be phased out.

Battery cages have now been phased out of all 28 nations of the European Union, several US states including the largest egg-producing state of California, and are in the process of being phased out in New Zealand and Canada.

International food businesses including major Australian and international brands are also moving ahead. Arnott's, McDonalds, Hungry Jacks, Subway, Nando's, Oporto, Coles, Woolworths, Aldi, Harris Farm Markets, Ikea, Kellogg's, Compass Group, Mars, Nestle, PepsiCo and Unilever, have all committed to putting battery cage-free eggs on their shelves and in their products.

These developments show that it is not only feasible to produce safe, affordable, nutritious eggs without the cruelty of battery cages but it is now expected by the community. I request the NSW Government act on the scientific evidence and community's expectations on animal welfare, and commence a phase out. Systems like the battery cage taint the reputations of all Australian farmers and farming sectors, and have no place in the future of sustainable agriculture.

My submission relates to and considers the Terms of Reference provided by the Legislative Council. I conclude that battery cages must be abolished in NSW for the following reasons:

Further to the concerns mentioned above, as per the Terms of Reference, my concerns are as follows:

(a) whether or not the use of battery cages to contain or accommodate hens in the egg production industry is:

I. associated with poor animal welfare outcomes or is accompanied by poor animal welfare practices,

Using a battery cage to contain hens in egg production facilities is inherently cruel as it causes unnecessary suffering as I have described from my own experiences above.

My specific concerns as per the Terms of Reference, part (a) (i) (poor animal welfare outcomes and/or practices), are:

1. The use of an unnatural and artificial environment. Specifically,
 - a. the use of unnatural lighting regimes prevents normal behaviour and development, as well as unnaturally manipulating hen-egg production;
 - b. the inability to nest before and during egg laying (this causes extreme frustration).
 - c. hens are forced to live in sheds containing high levels of ammonia from their waste, and, as a result, their eyes and nostrils often burn.
2. Permanent cage confinement and lack of adequate space for each bird. Specifically,
 - a. small cages only 40cm high with large stocking densities mean hens are unable to express normal or instinctual behaviours;
 - b. restricted movement and lack of exercise causes bone and muscle weakness;
 - c. the denial of a normal 'pecking order' wherein caged hens experience great stress and frustration. Thus, they cannot escape the behaviour of other hens, which often leads to pecking, bullying, and even cannibalism.
3. Constantly standing on sloping wire floors with no perches leads to serious bone and muscle weakness. Many hens thereby experience chronic pain from the development of lesions, as well as other foot and leg problems. This was specifically taught to me as something to look out for in battery systems in my training to become a veterinarian.
4. Hens naturally live for approximately 10 years, but most layer hens in Australia are sent to slaughter at only 18 months old as they are considered "spent" and exceed their productive "use by date" (i.e., the production of profitable eggs). I have detailed my personal experiences surrounding this in my opening statement.

II. justified by any other consideration, and

1. The justification for the use battery cages proffered by industry and government alike is greater profitability coupled with lower monetary costs. This, however, comes at the expense of hens significant suffering. Some people also cite disease risk and mortality concerns, however, research has now shown that non-infectious diseases such as fatty liver disease and osteoporosis result in similar morbidity and mortality rates as hens in barn or free range systems. I also believe that we must strive for better systems overall. Comparing battery cage outcomes to those of an over stocked 'free range' system with 10 000 birds per hectare is not a useful comparison.

III. consistent with community standards and supported by the public,

1. There is currently a lack of industry transparency or preparedness to align with widespread consumer expectations about animal welfare and food labelling alike.

- a. without private animal cruelty investigations and exposés, consumers would remain unaware of the significant issues associated with confining hens to cages, as well as the subsequent depopulation and slaughter process. Please refer to my personal account of my mother's distress at seeing the ex-battery hens I brought home.
- b. the egg industry has merely made vague attempts to address the interests of the animals it mass-produces and slaughters when consumer concerns threaten profitability.
- c. animal welfare organisations have cited reports from European Union (EU) countries (e.g., the 1996 EU Scientific Veterinary Commission Report), New Zealand (e.g., the 2012 Animal Welfare Advisory Committee Report) and Canada (e.g., the 2013 National Farm Animal Care Council Report), that have led to these nations phasing out conventional cage systems.

(b) what legislative measures should be taken to:
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I. prevent poor animal welfare outcomes to hens in the egg production industry of New South Wales,

1. Animal welfare includes animals being entitled to rights, welfare, and protection under the internationally recognised '*Five Freedoms*'. This includes both physical and mental state, and good animal welfare implies both fitness and a sense of well-being.
2. there is substantial evidence to confirm that neither the egg industry or our current legislation, or standards reflect the intent or practical application of the internationally recognised '*5 Freedoms*' or more progressive animal welfare measures.
3. Decision makers, when making ethical decisions about the treatment of animals, must consider the sentient capacities of *other-than-human animals*.
4. Currently the law defines the acceptable treatment of animals *according to their use rather than their capacity to suffer*. Many practices, which would qualify as 'cruelty' by law if performed on other species (such as a companion dog) are 'legal' if done to a chicken bred for their flesh, fibres or eggs.
5. Australian law classifies animals as property and fails to recognise their sentience. The Australian Capital Territory however 'will soon be the first to... introduce(s) a law that makes it mandatory to consider sentience in all welfare laws. NSW needs to similarly introduce sentience legislation.

II. set appropriate minimum standards of accommodation for the accommodation and treatment of hens in the egg production industry,

1. Hens must have adequate room to exhibit their natural behaviours, being: to stretch out, flap their wings, scratch, jump, forage, perch, nest, dust bathe, preen, and exercise.
2. Hens must also be provided with protection and shelter.

(c) the impact of egg producing commercial operations that use battery cages, on:

I. the environment, and

1. Intensive animal agriculture waste and pollution has environmental consequences and risks, such as:
 - a. odour, disease, biosecurity, vermin and contamination of soil and water, (surface water, ground water, natural water bodies), groundwater dependent ecosystems and ecological communities.
 - b. odour emissions: including ammonia (NH₃) and hydrogen sulfide (H₂S), along with some volatile organic compounds (VOCs), significantly affect the environment, workers, and nearby residents. These odours have been linked with health symptoms, including headache, irritation of eyes, nose and throat, and drowsiness.

II. health of workers,

1. Workers and local communities where these animal intensive industries operate, suffer physical, emotional and general wellbeing risks and impacts.
 - a. the working conditions are closely linked to PTSD in workers.
 - b. staff who are continually surrounded by animals who are suffering, sick or in pain will be impacted.
 - c. staff who are surrounded by animal blood and vermin including rats and are breathing in the gasses, will be impacted.
2. Emerging cultures of systemic and violent abuse towards animals in animal agribusinesses. This is largely due to businesses treating animals like innate objects.
3. Workers are exposed to ammonia. High concentrations can cause burning of the eyes, nose, throat and respiratory tract and can result in blindness, lung damage or death. Lower concentrations can cause coughing, and nose and throat irritation.

(d) trends in relative consumer demand for egg and egg-containing products derived from commercial operations that use battery cages and commercial operations that do not,

1. Consumers want and deserve transparency about where their food comes from and which practices they fund via purchases.
 - a. currently, this only occurs due to the actions of private animal cruelty investigators and industry whistleblowers. Without them, this type of information would remain hidden to the public, under misleading terms, such as “humane”.
 - b. trend to support “free-range” or “cage-free” products, with supermarkets, restaurants and cafes ditching caged brands.

(e) the protection of consumer interests, including the rights of consumers to be fully informed of the sources of eggs in egg-containing products,

1. Consumers are increasingly making product choices on the basis of personal ethics and health. The relevant watchdog authorities have through various cases confirmed they will not tolerate consumers being misled or deceived in terms of how food is grown and raised in respect to packaging, marketing and advertising.
 - a. egg industry food labels have remained confusing, false and misleading.
 - b. the farming and ‘slaughtering’ factors should be incorporated into food labelling. Irrespective of a consumer purchasing from a supermarket, a butcher or a market. This will help enable consumers to make informed choices.

(g) the advantages, disadvantages and issues of different egg farming production methods,

1. Although banning the cage would be a huge win for the ongoing wellbeing and welfare of these animals, I acknowledge the fact that all egg laying hens (be they “barn-laid”, “free-range” or “caged”), suffer unnecessarily misery. Further, much of this treatment is legally endorsed and sanctioned by both the egg industry and government through currently weak and inadequate legislation, standards and practices.
2. All hens are slaughtered at just 18 months of age, and most are subjected to debeaking.

(i) what scientific literature says about the above matters,

1. According to credible scientific research, farmed animals are sentient, emotionally complex, and intelligent.
 - a. hens suffer from pain, feel emotions and build strong relationships.
 - b. intensive farming operations ignore these aspects, denying them their natural behaviours, and subjecting them to cramped, unnatural and often unsanitary conditions, they are subjected to the routine mutilation of sensitive areas without pain relief
 - c. the overwhelming consensus among animal welfare experts is that the welfare of caged layer hens is severely compromised, with scientific studies indicating that battery hens suffer intensely and continuously when they are confined in cages.

(j) any other related matter.

1. The Australian egg industry classifies on-site carbon dioxide gassing as the most “humane” slaughter practice. This, however, contradicts research, which states that death by CO₂-induced hypoxia is a highly distressing and uncomfortable manner of death.
 - a. Each year in Australia, around 12 million male chicks are killed because they are unable to produce eggs and are therefore deemed wastage by the egg industry.
 - b. Over the last several decades, animal agriculture in Australia has increasingly become industrialised and secretive. Large-scale, intensive animal agriculture is becoming commonplace across our rural landscapes, replacing traditional family farms. This concentration means that individual, profit-driven corporations can be responsible for many thousands of animals at any one time, whilst also securing economic and market dominance.

Thank you for considering my submission.