

**Submission
No 402**

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

Organisation: Animal Liberation

Date Received: 24 July 2019

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

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



All correspondence in relation to this submission should be directed to:

Animal Liberation



This page intentionally left blank.

*We acknowledge the
Traditional Owners of
country throughout Australia
and recognise their continuing
connection to land, waters and
culture.*

*We pay our respects to their
Elders past, present and
emerging.*



This page intentionally left blank.

1. Introduction / background

Animal Liberation 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**. As an abolitionist organisation, we are strongly opposed to the use of battery cages and we hereby call upon the NSW government to use this opportunity to outlaw the use of battery cages for hens in NSW.

Currently, over 25 million birds are permanently confined by the hen-egg industry¹. Up to 12 million of these are kept in so-called battery cages. These are designed to maximise egg production and commercial profits. Despite serious concerns and the outlawing of cages in other Australian jurisdictions², battery cages remain legal in NSW. Indeed, they are the most common type of confinement used by the egg industry for egg-laying hens.

NSW remains the largest producer of caged eggs in Australia³. Critics have maintained that the NSW Department of Primary Industries (hereafter, "the DPI") have a vested interest in the continued use of battery cages. Following access to documents obtained under Freedom of Information (FOI) requests, national efforts to reconsider current welfare standards and ultimately outlaw battery cages had led to claims and accusations of NSW egg producers engaging in "systemic collusion with the NSW Government [the DPI] to deliberately thwart moves to outlaw" battery cages in the state⁴. The Western Australian Government condemned the complicity, stating that the NSW DPI "had been colluding with egg farmers to prevent battery cages" being outlawed under the first welfare review in over 15 years⁵.

Thus, the proposed new welfare standards led to "a split in government ranks" and "claims of secret meetings and manipulation of the policy agenda" as it applies to animal welfare in the Australian hen-egg industry⁶. Ultimately, the review led the RSPCA's Chair, Gary Humphries, to state that "the RSPCA is very concerned for Australia's layer hens, who will be condemned to live their lives in barren battery cages for a decade or more" if the practice is not outlawed. He went on to state that "some cage egg producers already try to convince their customers [that] such standards are supported by the RSPCA" and that such claims were "simply not true"⁷. Indeed, industry and Government alike has shied away from using the term "battery" in favour of "conventional"^{8 9}.

All egg-laying hens, regardless of rhetoric used to advertise or market their produce¹⁰, suffer entirely unnecessarily. At present, much of this suffering is legally authorised by the hen-egg industry and

¹ Voiceless. (2017). *Unscrambled: the Hidden Truth of Hen Welfare in the Australian Egg Industry*. Paddington, NSW.

² Lawson, K. (2014, February 26). ACT battery cage and sow stall ban a 'message to rest of country'. *Sydney Morning Herald*. Available via <https://www.smh.com.au/environment/conservation/act-battery-cage-and-sow-stall-ban-a-message-to-rest-of-country-20140227-33jcyj.html/>

³ Australian Eggs. (2018). *Annual Report: 2017/18*. North Sydney, NSW.

⁴ Thomas, J. & Branley, A. (2017, December 21). Egg farmers accused of colluding with Government department to sabotage moves to outlaw battery hens. *ABC Online*. Available via <https://www.abc.net.au/news/2017-12-21/egg-farmers-accused-of-colluding-with-nsw-government/9229242>.

⁵ Thomas, J. & Branley, A. (2017, December 22). Western Australian Government threatens to pull out of review of chicken welfare standards. *ABC Online*. Available via <https://www.abc.net.au/news/2017-12-22/western-australia-may-leave-chicken-welfare-review/9283274>.

⁶ Ellis, E. (2018), February 12). Governments can't be trusted to deliver welfare standards for chickens. *The Conversation*. Available via <https://theconversation.com/governments-cant-be-trusted-to-deliver-welfare-standards-for-chickens-90091>.

⁷ RSPCA Australia. (2017, November 30). RSPCA Australia Chair says animal welfare missing from 'Animal Welfare Standards' for chickens. *RSPCA Australia*. Available via <https://www.rspca.org.au/media-centre/news/2017/rspca-australia-chair-says-animal-welfare-missing-%E2%80%98animal-welfare-standards-0>.

⁸ Stewart, G. D., Rudkin, C., Shini, S. & Bryden, W. L. (2006). Assessment of laying hens maintained in different housing systems: a report for the Australian Egg Corporation Limited. North Sydney, NSW.

⁹ Animal Health Australia. (2016). Poultry welfare standards and guidelines: layer hen cages. Available via <http://www.animalwelfarestandards.net.au/files/2015/07/Public-Cons-Version-Poultry-Layer-hen-cage-support-paper-Oct-16.pdf>.

¹⁰ For example, "barn-laid", "free-range" and cage.

relevant government bodies through weak and insufficient legislation (as well as standards and practices such as those briefly discussed above).

Over a decade ago, in September 1997, the ACT Legislative Assembly passed legislation banning the production and sale of eggs produced by hens kept confined in battery cages. It also required the labelling of egg cartons sold in the Territory to clearly indicate the production system used to produce the eggs inside¹¹.

No animal should be confined for the entirety of their severely truncated lives in barren cages, regardless of species or perceived intelligence. Nonetheless, hens are known to be highly intelligent and affectionate birds. They enjoy companionship and the capacity to exhibit their unique and individual personalities as 'someone' not 'something'. They enjoy the simple pleasure of expressing their natural behaviours - being free to perch, nest, scratch around and forage, take dust baths, enjoy fresh air, natural and warm sunlight, and to roam freely, stretching their wings in an unrestricted, safe and sheltered environment.

The following submission relates to and considers the Terms of Reference provided by the Legislative Council and concludes that battery cages must be abolished in NSW.

¹¹ Productivity Commission. (1998). *Battery Eggs Sale and Production in the ACT*. Research Report. Canberra, AusInfo.

Our specific concerns, as per the Terms of Reference, 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 [...] accompanied by poor animal welfare practices

The use of battery cages to contain birds in hen-egg production facilities is inherently cruel as it causes substantial and unnecessary suffering. Battery cages:

1. Are an unnatural and artificial environment. Specifically;
 - a) the use of unnatural lighting regimes¹² prevents normal behaviour and development, as well as unnaturally manipulating egg production¹³;
 - b) the inability to nest, both before and during, egg laying (this causes extreme frustration)¹⁴ and;
 - c) hens are forced to live in sheds containing high levels of ammonia¹⁵ from their waste, and, as a result, their eyes and nostrils often suffer¹⁶.
2. Permanent confinement and the provision of grossly inadequate space for each bird¹⁷ (roughly less than the size of an a4 piece of paper each¹⁸). Specifically,
 - a) small cages only 40cm high with large stocking densities mean hens are unable to express normal or instinctual behaviours¹⁹;
 - b) restricted movement and lack of exercise causes bone and muscle weakness²⁰ and;
 - c) the denial of a normal 'pecking order,' wherein caged hens experience great stress and frustration²¹. Thus, they cannot escape the aggression of other hens, which often leads to

¹² Parkhurst, C. R. & Mountney, G. J. (1988). *Poultry Meat and Egg Production*. New York, Springer.

¹³ Sayer, K. (2008). Battery birds, 'stimulighting' and 'twilighting': the ecology of standardised poultry technology. In I. Inkster (ed.). *History of Technology*, 28, 149-169.

¹⁴ Hester, P. Y. (2017). Enrichment in cages. In P. Y. Hester (ed.). *Egg Innovations and Strategies for Improvement*. London, Elsevier, 77-86.

¹⁵ Accounts from those who have experienced the ammonia levels inside sheds maintain that "the stench [...] was burning our mouths and throats, even outside the barns". Reese, J. (2018). *The End of Animal Farming: How Scientists, Entrepreneurs, and Activists Are Building an Animal-Free Food System*. Boston, Beacon Press.

¹⁶ Swanson, M. (2013). How 'humane' labels harm chickens: why our focus as advocates should be egg-free diets, not cage-free diets. In K. Socha & S. Blum (Eds.). *Confronting Animal Exploitation: Grassroots Essays on Liberation and Veganism*. London, McFarland & Company, 204-223.

¹⁷ Dawkins, M. S. & Nicol, C. (1989, September 16). No room for manoeuvre. *New Scientist*, 44-47.

¹⁸ Nicol, C. (2015). *The Behavioural Biology of Chickens*. Boston, CABI.

¹⁹ Hills, A. (2005). *Do Animals Have Rights?* Cambridge, Icon Books.

²⁰ Broom, D. M. & Fraser, A. F. (2015). *Domestic Animal Behaviour and Welfare*. Boston, CABI.

²¹ Queroz, S. A. & Bromberg, V. U. (2006). Aggressive behaviour in the genus *Gallus* sp. *Brazilian Journal of Poultry Science*, 8(1), 1-14.

pecking and cannibalism²².

3. Requiring birds to constantly stand on sloping wire flooring without access to perches²³. This leads to serious bone and muscle weakness²⁴. This can be further compounded by osteoporosis stemming from the calcium expended by unnaturally high egg production²⁵. As a result, many hens thereby experience chronic pain from the development of lesions, as well as other foot and leg problems²⁶.

Hens may naturally live for up to 10 years²⁷. Most layer hens in Australia are considered “spent” and are sent to slaughter at only 18 months old²⁸. At this age, they exceed their productive “use by date” (i.e., the production of profitable eggs).

²² Lay, D. C., Fulton, R. M., Hester, P. Y., Karcher, D. M., Hjaer, J. B., Mench, J. A., Mullens, B. A., Newberry, R. C., Nicol, C. J., O’Sullivan, N. P. & Porter, R. E. (2011). Hen welfare in different housing systems. *Poultry Science Emerging Issues: Social Sustainability of Egg Production Symposium*, 1-17.

²³ Broom, D. M. & Fraser, A. F. (2015). *Domestic Animal Behaviour and Welfare*. Boston, CABI.

²⁴ Whitehead, C. C. (2004). Skeletal disorders in laying hens: the problem of osteoporosis and bone fractures. In G. C. Perry (Ed.). *Welfare of the Laying Hen*. Boston, CABI, 283-299.

²⁵ Davis, K. (2002). The battery hen. In K. W. Stallwood (Ed.). *A Primer on Animal Rights: Leading Experts Write About Animal Cruelty and Exploitation*. New York, Lantern Books, 188-195.

²⁶ Duncan, I. J. H. (2019). Frustration in hens. In J. C. Choe (Ed.). *Encyclopedia of Animal Behaviour*. New York, Elsevier.

²⁷ Davis, K. (2014). Anthropomorphic visions of chickens bred for human consumption. In J. Sorenson (Ed.). *Critical Animal Studies: Thinking the Unthinkable*. Toronto, Canadian Scholars’ Press Inc., 169-186.

²⁸ RSPCA Australia. (2019). Layer hen FAQ. Available via <https://www.rspca.org.au/layer-hen-faq>.

II. justified by any other consideration,

1. The sole justification for the use of this battery cage proffered by industry and government agencies alike is greater profitability coupled with lower financial costs. This unacceptably comes at the expense of hens significant suffering.

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;

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 and;

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. Similarly, the ACT has outlawed the use of battery cages in hen-egg production²⁹.

²⁹ Brennan, M. (2014). ACT bans battery cages and sow stalls. Available via https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/FlagPost/2014/February/ACT_bans_battery_cages_and_sow_stalls.

(b) what legislative measures should be taken to:

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'³⁰. This includes both physical and mental state, and good animal welfare implies both fitness and a sense of well-being³¹.

a) there is substantial evidence to confirm that neither the egg industry or our current legislation, including Codes of Practice (CoP's) or Standard Operating Procedures (SOPs), accurately reflect the intent or practical application of these "freedoms". Similarly, they do not reflect current consumer expectations as it applies to animal welfare.

2. Decision makers, when making ethical decisions about the treatment of animals, must consider the sentient capacities of *other-than-human* animals.

a) 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 and;

b) Australian law currently classifies animals as property and fails to recognise their sentience.

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

1. Hens must have adequate space to exhibit their natural and necessary behaviours³², these being: the capacity to stretch and flap their wings³³, forage, perch³⁴, nest³⁵, dust-bathe, preen³⁶, and exercise. These behaviours are not negotiable. Rather, they are non-negotiable necessities.

2. Hens must also be provided with adequate protection and shelter.

³⁰ Webster, J. (2005). *Animal Welfare: Limping Towards Eden*. Oxford, Blackwell Publishing.

³¹ RSPCA Australia. (2016). The welfare of layer hens in cage and cage-free housing systems. Available via http://www.animalwelfarestandards.net.au/files/2015/07/FINAL_2016-08-The-welfare-of-layer-hens-in-cage-and-cage-free-housing-systems-FINAL.pdf.

³² Appleby, M. C., Mench, J. A. & Hughes, B. O. (2004). *Poultry Behaviour and Welfare*. Boston, CABI.

³³ Masson, J. M. (2009). *The Face on Your Plate: the Truth About Food*. New York, W. W. Norton & Company.

³⁴ Broom, D. M. & Fraser, A. F. (2015). *Domestic Animal Behaviour and Welfare*. Boston, CABI.

³⁵ Davis, K. (1996). *Prisoned Chickens, Poisoned Eggs: An Inside Look at the Modern Poultry Industry*. Tennessee, Book Publishing Company.

³⁶ Dawkins, M. S. & Nicol, C. (1989, September 16). No room for manoeuvre. *New Scientist*, 44-47.

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

I. the environment:

1. Waste and pollution generated by intensive animal agriculture operations has significant environmental consequences and risks, such as:

- a) odour, disease, biosecurity, and contamination of soil and water resources (i.e., surface water, ground water, natural water bodies), groundwater dependent ecosystems and ecological communities and;
- b) odour emissions: including ammonia (NH₃)³⁷ and hydrogen sulfide (H₂S)³⁸, along with some volatile organic compounds (VOCs), which significantly impact upon the environment, workers, and nearby residents³⁹. These odours have been linked with health symptoms, including headache, irritation of eyes, nose and throat, and drowsiness.

II. (the) health of workers:

1. Workers and local communities where animal intensive industries operate suffer physical, emotional and general wellbeing risks and impacts.

- a) the working conditions are closely linked to PTSD in workers⁴⁰ and;
- b) staff who are continually surrounded by animals who are suffering, sick or in pain will be impacted.

2. Emerging cultures of systemic and violent abuse towards animals in animal agribusinesses are largely due to businesses treating animals like objects rather than subjects.

- a) recent exposés by Animal Liberation NSW shows how “spent” hens receive horrific abuse from workers⁴¹.

3. Like the birds, workers are exposed to high levels of 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.

³⁷ McKenna, M. (2017). *Big Chicken: the Incredible Story of How Antibiotics Created Modern Agriculture and Changed the Way the World Eats*. Washington, National Geographic Partners.

³⁸ Saksrithai, K. & King, A. J. (2018). Controlling hydrogen sulfide emissions during poultry productions. *Journal of Animal Research and Nutrition*, 3(1), 1-14.

³⁹ Abín, R., Laca, A., Laca, A. & Díaz, M. (2018). Environmental assessment of intensive egg production: a Spanish case study. *Journal of Cleaner Production*, 179, 160-168.

⁴⁰ McWilliams, J. (2012, February 7). PTSD in the slaughterhouse. *Texas Observer*. Available via <https://www.texasobserver.org/ptsd-in-the-slaughterhouse/>.

⁴¹ Bevege, A. (2019, June 17). “Hate it when their heads come off”: graphic footage reveals disgusting cruelty at an egg farm. *Daily Mail*. Available via <https://www.dailymail.co.uk/news/article-7148977/Hate-heads-come-off-footage-reveals-workers-kicking-hitting-hens-cruel-fun.html>.

(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 and;

b) trends to support “free-range” or “cage-free” products, with supermarkets, restaurants and cafes ditching caged brands⁴².

(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 authorities have, through various cases, confirmed that they will not tolerate consumers being misled or deceived, particularly in respect to packaging, marketing and advertising.

a) egg industry food labels have remained confusing, false and misleading and;

b) farming and slaughter should be incorporated into food labelling. This should be so irrespective of a consumer purchasing from a supermarket, a butcher or a market. This will further enable consumers to make informed choices.

⁴² As an abolitionist organisation, Animal Liberation does not believe that any exploitative use of other animals is acceptable. As such, we advocate a vegan diet.

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

1. Although banning the cage would be a substantial victory for the ongoing wellbeing and welfare of these animals, the fact remains that *all* egg laying hens (be they “barn-laid”, “free-range” or “caged”). All suffer unnecessarily. Further, much of this treatment is legally endorsed 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 or “beak trimming”⁴³.

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

1. According to credible scientific research, farmed animals are sentient, emotionally complex, and intelligent⁴⁴.
 - a) hens suffer from pain, feel emotions and build strong relationships and bonds;
 - b) intensive farming operations ignore these aspects, denying them their natural behaviours, and subjecting them to cramped, unnatural and often unsanitary conditions;
 - c) they are subjected to the routine mutilation of sensitive areas without pain relief and;
 - d) 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.

⁴³ RSPCA Australia. (2019). What is beak trimming and why is it carried out? Available via <https://kb.rspca.org.au/knowledge-base/what-is-beak-trimming-and-why-is-it-carried-out/>.

⁴⁴ Masson, J. M. (2007). *The Pig Who Sang to the Moon: the Emotional World of Farm Animals*. New York, Random House Publishing.

(j) any other related matter:

1. The Australian egg industry classifies on-site carbon dioxide gassing as the most “humane” slaughter practice⁴⁵. This, however, contradicts research which states that death via CO₂-induced hypoxia is a highly distressing and uncomfortable death.

a) Such suffering is exhibited in Animal Liberation NSW’s most recent exposé of “spent” layer hens.

b) Each year in Australia, approximately 12 million male chicks are killed because they are unable to produce eggs⁴⁶. They are therefore deemed wastage by the egg industry.

c) Over the last several decades, animal agriculture in Australia has become increasingly industrialised and secretive. Large-scale, intensive animal agriculture is becoming commonplace across our rural landscapes. 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.

⁴⁵ Scott, P. (2015). *Best Practice for On-Farm Euthanasia of Spent Layer Hens*. A report for the Poultry CRC and Australian Egg Corporation Limited.

⁴⁶ RSPCA Australia. (2019). What happens with male chicks in the egg industry? Available via <https://kb.rspca.org.au/knowledge-base/what-happens-with-male-chicks-in-the-egg-industry/>.