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The Passage of the 2016 Ballot Question #3 in Massachusetts and Its Implications

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**THE PASSAGE OF THE 2016 BALLOT QUESTION 3 IN MASSACHUSETTS AND ITS
IMPLICATIONS**

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A Master's Paper

**Submitted to the faculty of Clark University, Worcester,
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the degree of Master of Science in the department of Environmental Science & Policy**

And accepted on the recommendation of

Jody Emel, Chief Instructor

ABSTRACT

THE PASSAGE OF THE 2016 BALLOT QUESTION 3 IN MASSACHUSETTS AND ITS IMPLICATIONS

HANNAH SILVERFINE

In the 2016 Massachusetts primary election, ballot question #3, “Massachusetts Minimum Size Requirements for Farm Animal Containment”, aimed to improve welfare standards for cows raised for veal, female sows confined to gestation crates, and chickens caged for eggs. This study seeks to analyze the complex relationship between local and national food systems, and articulate the multi-level implications of Question 3. Research examines the rationale behind voting, campaign narratives, and campaign financing in Massachusetts, and ultimately compares the implications of Question 3 with those of California’s 2008 Prevention of Farm Animal Cruelty Act. The lenses of animal geographies and the political ecology of animal welfare inform the underlying perspectives of stakeholders and their valuation of animal life, which contributed considerably to the policy decisions. This paper concludes by identifying lessons for other states, future changes for MA food policy, and the importance of addressing gaps in food systems knowledge.

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This paper is purely a reflection of my analysis and thoughts, and does not seek to represent the stakeholders I discuss. As a resident of Massachusetts with an interest in food systems, this research stemmed from pure curiosity about and hopes to illuminate the complex nature of ballot questions, as well as contribute to improvements in future food policy that support a more equitable, humane, and localized system.

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1. Introduction

In the 2016 Massachusetts (MA) state primary election, the passage of ballot question #3, “Massachusetts Minimum Size Requirements for Farm Animal Containment”, was a significant achievement in the policy and politics of farm animal cruelty prevention. Question 3 involved the regulation of size requirements for the living conditions of cows raised for veal, female sows confined to gestation crates, and chickens caged for eggs (Pitney 2016b). The MA chapter of the Humane Society proposed the initiative to implement a basic set of standards for the humane treatment of farm animals, and 77.7% of voters ruled in favor of Question 3 (Humane Society of the United States 2016a, Fujiwara 2016). The highly favorable vote suggested that most MA residents were sympathetic to improving conditions for livestock, and supported the concept of animal welfare. Yet behind the numbers, the rationale for voting decisions was highly dependent on access to information. The perspectives of voters on animal welfare practices, and about the products they consume, reveal an intricate, and often imbalanced, network of food systems knowledge.

In this paper, emphasis is heavily centered on the implications of Question 3 on chickens and the cage-free egg transition, and future studies should explore the impacts of improving welfare for cows, pigs, and other farm animals. As a smaller state with a non-agriculturally centered economy, Massachusetts imports the majority of its eggs, which broadened the scope of the ballot initiative’s impacts (Colman 2016). At the same time, some of the small-scale farmers and community members in MA feared negative repercussions on their already humane animal practices or overall livelihoods because of a lack of nuanced information circulated along with the ballot initiative.

The modern, corporatized, and industrial scale agricultural system has capitalized on its ability to distance the production of animal products from public view (Bock and Buller 2013). The sheer scale of production that has been reached in the U.S., and globally, would not be possible without concentrated animal feeding operations (CAFOs). These operations rely on short-term economic efficiency, which in turn leads to inhumane conditions for both the livestock and the farmworkers involved. Coalitions of farmworkers, farmers, students, activists, politicians, and more, have begun to draw attention to the many economic, environmental, and social concerns surrounding the impacts of industrial scale agriculture, and specifically industrial scale meat production (Gunderson 2015).

Although Question 3 was a local initiative, the societal context of narratives that drove the political decisions of stakeholders had interconnected attributes for and against its passage. The collection of articles in the book “Political Ecologies of Meat”, offers grounding for the complexities of politics around animal welfare, and the intersections of values that lead to change. The implications of Question 3 are not black and white in terms of good or bad, but divergent in their levels of impact. As explained by Professors Jody Emel and Harvey Neo from Clark University and the National University of Singapore respectively:

“...rolling blame and shifting empathy happens when evaluating the industrial animal production sector. You feel bad for the ‘producers’ (or ‘farmers’) because of their oppression and exploitation by the ‘processors’ (or slaughterers) until you realize that they (the producers) are responsible for the exploitation and torture of the animals and for the non-transparency of the ‘growing’ process. You feel terrible for the animals but you realize that the animal welfare groups who provide some of the descriptions are accused by the industry of adulterating some of their narratives. But when you read what has been done to silence those who want to make visible the exploitation of animals and workers, you despise the producers all over again – not to mention the politicians who support this just to get votes and financing for their elections. And finally, as several commentators on the whole supply chain observe, what about the consumers?” (Emel and Neo 2015a, p.355)

This cycle of perspective and relativity of impact is an infuriating reality of the current food

system. As such, engaging with the implications of Question 3 necessitates a wide angle of recognition for the ways that producers, consumers, animals, and earth each interact with one another. The lens of political ecology acts as a tool for readers to recognize the larger systems of power at play among humans, while the framework animal geographies highlights a new pathway for defining non-human relationships and values (Emel and Neo 2015b).

This paper seeks to explore the tensions that the passage of the ballot created within the farming communities of Massachusetts, and the impacts the initiative will have on the larger, national animal welfare system, through the lens of political ecology and animal geographies. The 2008 passage of Proposition 2 in California is analyzed in this research. The similarities in the policies and campaigns of Question 3 and Proposition 2 offer useful comparisons for assessing implications. The California Prevention of Farm Animal Cruelty Act was strongly supported by the Humane Society of the United States, and focused specifically on egg-laying hens. Proposition 2 included two components: the initial proposition to eliminate battery cages for egg laying hens in California, and the later introduction of Assembly Bill (AB) 1437 to prohibit the in-state sale of eggs that originated from caged hens (Malone and Lusk 2016). Ultimately, this paper will discuss alternative frameworks for future policy approaches that distinguish between nationally perpetuated agricultural concerns, and localized issues.

2. Methods

Research for this paper began amidst informal, primary discussions with different stakeholders, leading to the formal, secondary sources of information from varied perspectives that comprise this document. The first area researched was the history of animal welfare standards in the United States, in attempts to recognize the long-standing value systems,

narratives, and resulting policies (or lack thereof). The corporatization of the overall food system was studied next to identify trends in the larger system and recently entrenched industrial regime.

With this background in mind, attention was focused on the specific campaign surrounding Question 3 in Massachusetts. Secondary sources of op-ed articles, newspaper interviews, and videos of public town halls were used to inform the perspectives of the stakeholders, and the significance of their financial contributions. Post-hoc analyses from Proposition 2 in California were used to better understand the implications of the pros and cons, and what might be done to create more equitable policies.

3. Animal Welfare

Problem

Animal welfare policy in the United States is uneven between species and disjointed between states, reflecting anthropocentric species preferences. Regulatory standards are shown to defend animal well-being and protect consumers from food-borne illness, yet as the agricultural industry has expanded to an intensely industrialized system, policies have not been implemented accordingly (Humane Society of the United States 2008). The scale of the issue is particularly concerning as “roughly 9 billion animals are killed for food in the United States each year, and just one decades-old federal law governs their humane treatment” (Pitney 2016b, par.9). Passed in 1958, the Humane Methods of Slaughter Act specifically regulates the slaughter of a few types of livestock, and holds no mention of welfare during the life of the animals (United States Department of Agriculture n.d.). Chickens are among the livestock omitted from the law, which altogether represent approximately “90% of the animals killed for food in the U.S.” (Pitney 2016a, par.16).

While some states have begun to enact their own rules to fill in gaps pertaining to farm animal welfare, the U.S. as a nation has extremely “disjointed animal protection laws” (Keady 2015). Despite the lack of regulatory enforcement, according to multiple surveys, 86% of meat-eating Americans find humane treatment of animals important. Concern appears to extend across age, party-affiliation, income-level, and gender, suggesting a disparity between industry practices and public opinion (Pitney 2016b, par.12). This is highly significant as global meat consumption has increased along with growth in livestock production, simultaneously involving more people in the economy of meat while also further distancing people from the process of livestock raising and slaughtering (Gunderson 2015). The separation of consumers from both small- and large-scale sources of meat production and the difference in their practices reduces the ability of public citizens to discern appropriate welfare policies.

Animal Geographies

The concept of animal geographies is relatively new, having gained attention within the field of geography in the past two decades. While the relationships between humans and animals have been studied throughout history, this framework provides an interdisciplinary approach to social science research through a non-anthropogenic lens (Buller 2014). Researchers Bettina Bock and Henry Buller divide animal welfare geographies into three broad shifts of knowledge and structure over time: the welfare of animals in relation to their productivity, the welfare of animals connected to their sentience, and the welfare of animals in relation to “humanist ethics and associated economies of ‘eating well’”. Alongside these shifts have been responsible actors, “shifting between farmers, animal scientists and, finally, society as a whole” (Bock and Buller 2013, p.393). These three shifts and responsible actors will be used to differentiate the impetus for farm animal welfare advocacy or opposition among stakeholders.

Animal geographies offer a unique perspective for understanding the tensions in Question 3, stemming from long-standing differences in narrative rationale. The human assessment of animal well-being is connected to the self-interest of people themselves, with definitions of “welfare” changing throughout time. Most recently, the distinction of explaining animal welfare through scientific versus societal analysis has shed light on the passage or blockage of particular policies. Scientific research on animal welfare was initially rooted in understanding the functionality of industrialized feeding operations, and ensuring animal health and disease prevention while maintaining an efficient, cost-effective process (Bock and Buller 2013). This focus on productivity and disconnect from the animals themselves created “scientific knowledge of the animals’ physiologies and psychologies [that allowed] them to be governed as productive units in a population, but also understood as at least semi-subjective individuals that deserve protection” (Johnston 2015, p.218). With advancements in technology affecting economic decisions, over time the focus of animal welfare moved from the individual to the overall flock, and from a sentient being to a productive unit. This contributed to the development of broad regulation that opened space for the future intensification of factory farming.

The individual values that humans form around animal welfare present further insight as to what policies are enacted. With the increasing popularity of “animal friendly” products, a clear response to the abuses of the factory farming complex, humans present their anthropocentric concern for the “happiness” of animals, to match their own positive human characteristic. This expectation builds into the choices people make when voting for regulation because “coupled with such positive and idealised notions of the farm animal is an identifiable concern about the technologies, science and practices of modern husbandry and, in particular, its scale and inherent denial of animal’s naturalness in terms of feeding, behaviour, environment and social

organization” (Bock and Buller 2013, p.405). Understanding the expectations surrounding the definition of animal welfare, and its implications for animals and humans, is crucial to predicting which actors will be encouraged or discouraged to advocate for animals.

Political Ecology

In addition to centering the implications of Question 3 in animal geographies, the human interactions that influence decision-making are illuminated through the framework of political ecology. In order to understand the levels of implications, it is necessary to recognize the political and social hierarchies that exist in the human interactions with animals, land, water, and other ecological facets of the agricultural system in the United States. Although small-scale farmers in Massachusetts were not the largest group of stakeholders affected by the new law, they are one of the social groups that has been marginalized by the institutions that control the industrial agricultural system, and “a political ecology of meat bears witness to the ramifications of these institutions (and the policies and discourse that arose from them) for people, animals, and places” (Emel and Neo 2015b, p.12). New connections between policy, economic opportunity, and animal welfare have begun to embody the movement of political ecology frameworks towards including non-human species. The challenging dichotomies of national and local implications of Question 3 can be explained through the relational aspects of political ecology, and the overarching perspective of animal geographies, to understand the conflicting and deeply rooted values of different stakeholder groups.

3a. The Humane Society of the United States

The Humane Society of the United States (HSUS) has become one of the most prominent, and effective, advocates for animal welfare, and their purpose lays the foundation for

the conflicts within and importance of Question 3. HSUS addresses the relationship between humans and the animals they raise for food, and how it has been altered drastically by changes in technology and the structure of the modern, corporate, and industrialized agricultural system. In their 2008 report “Factory Farming in America”, HSUS extensively details the repercussions of new age agribusiness for animals, humans, and the environment alike. HSUS engages with multiple aspects of animal geographies through their emphasis on well-being for all living creatures for the animal’s own sake, addressing the place of animal recognition in political ecology analyses, and particularly drawing on characteristics of animals that are like humans.

They set forth an essential definition of the human-animal relationship explaining:

“Rather than regarding animals as sentient individuals, today’s animal agribusiness industries treat them as “production units”, denying the billions of animals raised for food in the United States most of their natural behaviors and subjecting them to selective breeding for overproduction, overuse of antibiotics, overcrowding, intensive confinement, and physical mutilations including castration, dehorning, and beak-trimming—all performed without painkillers.” (Humane Society of the United States 2008, p.10)

These abuses would never be tolerated for dogs or cats, and certainly are outlawed for the human species, yet somehow have become standard practice for farm animals. By pointing out the sentient nature of animals, and the lack of painkillers farm animals receive in abusive conditions, HSUS appeals to the human tendency to identify with the most common feelings that animals could also experience (Humane Society of the United States 2008).

The problems surrounding lack of farm animal welfare policy extend from the animals themselves to environmental well-being and workers’ rights as well. The 2008 HSUS report found that “According to the United Food and Commercial Workers Union (UFCW), more than 71% of all contract chicken growers earn below poverty level wages” (Humane Society of the United States 2008, p.8). Environmentally, the livestock sector is the “single largest

anthropogenic user of land” and is emits “18% of global greenhouse gas emissions measured in CO₂ equivalent” according to an expansive report (Food and Agriculture Organization of the United Nations 2006, p.xxi). Furthermore, the agricultural sector is the largest contributor to “water quality impairments” in all types of natural water systems, with the most concerning contamination clustered in areas of concentrated livestock or crop cultivation (Humane Society of the United States 2008, p.14).

HSUS has set out to address large-scale animal welfare concerns, and in the past few decades has built mass support for campaigns to reduce farm animal confinement, pass animal welfare legislation, and support institutions in reducing consumption of meat from intensively raised livestock. They also have addressed the “ag-gag” efforts by agribusiness interests which would criminalize anyone who exposes animal cruelty on factory farms (“HSUS Accomplishments, Transformational Change” 2017). These national concerns set the stage for difficult and unconventional work, encompassing the perspective of animal geographies that detaches humans from the center of all societal changes. Despite that perspective, ultimately HSUS still needs to appeal to the identities of humans and the ways they find meaning to change the current status quo of animal welfare.

3b. Cage-Free Egg Movement

By appealing to the political ecology of animal welfare, HSUS has mobilized both the private and public sectors into action. In 2005, the European Commission identified laying hens as the single species of farm animal most in need of welfare improvement (Heng, Peterson, and Li 2013, p.1). The cage-free egg movement has grown as an appeal to public consciousness for consumers to understand their food sources, and in turn influenced the interests of massive corporations. In recent years, companies making commitments to source from cage-free eggs

(and usually gestation crate-free pork) have included: McDonald's, Burger King, Applebee's, Wendy's, Subway, Starbucks, Dunkin Donuts, PF Chang's, and more ("Cage Free Future" 2017). These corporate commitments are remarkable considering the scale of their operations, and the cost concerns associated with improved welfare practices. The veal industry itself even moved to improve welfare for calves by expanding group housing, after their standard practices were scrutinized by animal welfare groups and food service providers alike (American Veal Association 2007). Unfortunately, although the cage-free egg systems were intended to provide a higher standard of living for the chickens, there is debate about the impacts of industrial scale production in regulating conditions, which fundamentally emphasize cost rather than holistic well-being.

In response to growing pressures, in 2011 the United Egg Producers (UEP) pursued a federal egg bill in partnership with HSUS to create an industry transition to "enriched colony cages". Despite the momentum of corporate commitments towards purchasing cage-free eggs, UEP experienced significant backlash from other sectors of the agricultural industry. Colony systems cost more per bird, and additional investments for infrastructural changes (Welshans 2016). One study found that "cage free or other systems allowing outdoor access were reported to generate more air and water pollution..." (Heng, Peterson, and Li 2013, p.419). Other studies also found that mortality rates were higher in cage-free systems due to genetic characteristics, management, and housing configuration. This usually results from applying the typical practices associated with raising chickens in conventional cages to the cage-free environment, which undermines the initial intention of appropriate care for the animals by ignoring their natural tendencies (Welshans 2016). UEP presents 95% of all egg production and has publicly recognized the general need for better treatment of animals. They also have suggested a shift in

approach to the egg business by using increased regulation to improve welfare, which has angered ranchers and dairymen (Welshans 2016, Chrisman 2016).

Farmers have a history of frustration with federal regulation, particularly since the farm crisis of the 1980s. Strategic government policies in the 1950s and 1960s that focused on free-market principles sought to reduce the number of farmers and expand large operations, which decreased the total number of farms “from nearly 4.8 million in 1954 to 2.1 million by 1990”, and altered the composition family farming communities (Chrisman 2016, par.8). In regards to animal welfare, farmers and industry as a whole are currently faced with the complicated and disparate requirements of different states (Charles 2012). Improvements in standards, regarding space requirements or otherwise, occur annually as part of industry practices, but the idea of government interference in the agricultural industry still incites discontent (Heng, Peterson, and Li 2013).

Industrial level production of eggs, and other livestock, is entrenched in the capitalist economic structure that values profit over welfare. In order to effect change in that system, it is necessary to approach the problem from multiple angles. One economic perspective rationalizes that even within a capitalist economy, the market should protect animal well-being. As a result, “regulating animal welfare...presumes a market failure...Producing cage-free eggs or stall-free pork are thus means of internalizing the negative externality” (Richards, Allender, and Fang 2013, p.146). For consumers, internalizing this externality generally leads to an increase in costs. James McWilliams, a historian at Texas State University, describes a “paradox in the way Americans think about food...Consumers on the one hand demand that animals be treated well, but on the other hand they don't want to spend \$7 on a carton of eggs”. Interestingly, a second paradox is presented from the industry in that even if consumers do choose to purchase “cage-

free” eggs, animals might still be kept in cages with minimal improvements to welfare (See Figure 1) (Dyer 2016, par.26). The rising popularity of the cage-free egg movement reveals an increasing public awareness of farm animal welfare concerns, but has yet to encompass extensive changes in social or economic structures.

	UNCAGED	FREE TO WALK, NEST AND ENGAGE IN OTHER NATURAL BEHAVIORS	OUTDOOR ACCESS	BEAK-CUTTING AND STARVATION-BASED FORCED MOLTING PROHIBITED*
CAGE-FREE	YES	YES	NO	NO
FREE-RANGE FREE-ROAMING	YES	YES	YES	NO
PASTURE-RAISED	YES	YES	YES	NO
CERTIFIED ORGANIC	YES	YES	YES	NO

*Certain voluntary certification programs prohibit one or both of these practices.

Designations with no relevance to animal welfare:
Vegetarian-fed, Natural, Farm Fresh, Fertile, Omega-3 enriched, Pasteurized

Figure 1. Egg Label Interpretations (Humane Society of the United States 2017a)

4. MA Ballot Stakeholders and Campaign

4a. Ballot Overview

An impassioned mix of messaging around Question 3 was produced from the individual understandings of animal welfare combined with the efforts of organizations targeting opposing sides of the political ecology of meat. As one of only four initiatives included on the 2016 Massachusetts ballot, “An Act to Prevent Cruelty to Farm Animals” represented a significant

opportunity to improve food policy, but the impacts remain contested and unknown (Shea 2016). Proposed by the Massachusetts branch of the HSUS and their organization Citizens for Farm Animal Protection, the initiative seeks to “prevent animal cruelty by phasing out extreme methods of farm animal confinement”. Section 2 specifies the illegality of animal cruelty, which codifies the confinement of covered animals as a civil offense with a penalty of no more than \$1,000 (Humane Society of the United States 2016b). Further sections detail definitions of cruelty, confinement, and other key terms (See Appendix A for full text). Intended to have national implications, Question 3 prohibits business owners and operators in Massachusetts from purchasing eggs or certain types of meat that originated from cruelly confined animals. The Act allows a period of phasing out of practices and products that are in violation of the new standards by setting the date for full effect as January 1st, 2022 (“An Act to Prevent Cruelty to Farm Animals” 2015).

The campaign and voting pattern of Question 3 tell a unique story of contrasting impact and information at local and national levels. Despite the overwhelming majority of voters that supported the bill, opinions regarding potential effectiveness of the new law vary among stakeholders. This can partially be explained by the relationship between individuals and their valuation of animal lives. The way that each campaigning organization or financial interest developed narratives also reflected ethics and normative understandings of animal well-being, and can be used to improve future policy decisions.

4b. Supporters

Support for Question 3 was principally organized and driven by the Humane Society of the United States (HSUS), but many additional groups and individuals organized for and resonated with the purpose of the initiative. Both the local and national purpose of Question 3

centered on the humane treatment of animals, with the purpose of enacting legislation that could make systematic change. According to the United Egg Producers, Massachusetts imports 99% of its eggs from other states (Colman 2016). Because egg consumption in Massachusetts is primarily supported by out of state production, the supporters promoted a shift in the scale of the relationship between animal welfare issues and political/economic agents of change. The narratives of groups that advocated for the ballot initiative typically aligned with three frameworks of rationale: national systems change, animal welfare, and or economics/food safety.

National Systems Change through Local Policy

As a national organization, HSUS is dedicated to ensuring humane treatment of all animals, particularly the non-human ones. One of their objectives is to work on “confronting extreme confinement on factory farms”. This applies to both crates and battery cages, and involves regulatory reform to declare inhumane confinement illegal. With the passage of Question 3, Massachusetts joined a growing movement of lawmakers seeking the protection of farm animals in writing. All of the state-scale HSUS farm animal welfare initiatives to date are focused on the expansion of body space for producing animals (“HSUS Accomplishments, Transformational Change” 2017). While the details of state-specific campaigns vary, HSUS advocates for implementation of local policies that connect to broad themes of systems change, which will later be examined in the effectiveness of California’s Proposition 2.

The theoretical context for HSUS support of animal welfare is tied to animal geographies, challenging the anthropocentric valuation of life and well-being (Buller 2014). In their campaigns, HSUS boils down their narratives to the most direct, effective messaging possible, such as the title for the campaign in Massachusetts, “An Act to Prevent Cruelty to Farm

Animals”. This is necessary considering the dire conditions of farm animal welfare as presented in the HSUS “Yes on 3” fact sheet, and throughout HSUS resources (Humane Society of the United States 2016b). Agricultural industry groups and political allies have targeted the idea of dire conditions as a folly of animal rights extremists, adding to the polarization of groups addressing a shift in human relationship with animals, and those focused on maintaining the current system of animal production while improving welfare (Emel and Neo 2015a).

Contained within cages, chickens are shown to suffer from physical ailments such as bone fractures, starvation, and paralysis. Food safety for humans is threatened when “confined animals suffer from weakened immune systems that allow dangerous pathogens to proliferate” (Humane Society of the United States 2016b). This emphasis on food safety for humans is a strategic orientation because of hegemonic anthropocentrism. While corporations like McDonalds have taken steps to address the issues, according to Paul Shapiro, Vice-President of HSUS, the “corporate reforms are entirely voluntary. Measures like the one in Massachusetts are needed to cement those changes” (Pitney 2016b, par.13). This corporate voluntarism is characteristic of the voluntary corporate social responsibility dimension of current liberal capitalism. The impacts of caging animals on their own livelihoods, and for food safety, appeals to the anthropocentric desire to protect humans, tying into the local and national responses to political action around animal welfare.

Animal Welfare

Citizens for Farm Animal Protection was spearheaded by the MA chapter of the Humane Society, and garnered the support of hundreds of volunteers, who collected thousands of signatures (Humane Society of the United States 2016b). Their list of supporters ranges from

farms and farmers, to veterinary professionals, elected officials, community leaders and businesses. Some of the most prominent names include the Massachusetts Society for the Prevention of Cruelty to Animals (MSPCA), the Massachusetts Sierra Club, the Center for Food Safety, and the United Farm Workers. The Citizens for Farm Animal Protection have extensive resources on their website arguing the environmental, economic, health-related, humane, and constitutionally-sound reasons for the bill (Humane Society of the United States 2016b).

As a basic measure for providing farm animals the minimal space needed to move around, Question 3's dedication to animal welfare improvements inherently draws in support from groups like the MSPCA. MSPCA's public statement about the ballot measure reflected the deeper context of the issue. The organization both agreed with HSUS that this was a "reasonable measure to address some of the most egregious practices inflicted upon farm animals", and recognized the need for future legislation with more stringent language that would create greater change. MSPCA clearly expressed that the initiative petition process was a critical pathway to improving animal protection because legislation had already been introduced and lobbied "for more than a decade" (MSPCA Angell 2017).

On a local level, both farmers and consumers expressed support for Question 3, emphasizing that above all other arguments, like cost, humane treatment of animals should be a priority in Massachusetts. The owner of Brown Boar farm wrote a comprehensive op-ed for the "Edible South Shore" blog, that focused on the impacts of Question 3 for raising pigs, but also commented on the overall impacts of the initiative. Peter Burrows explained that the production efficiency of the national meat industry has reached inhumane levels, and it is necessary to focus on "the long-term sustainability of our practices, the impact on the environment, and the safety and healthiness of the products we produce" (Burrows 2016).

Burrows goes on to detail the tradeoffs between low costs of production efficiency and animal well-being. He agrees with other farmers that cages can protect sows from crushing their piglets, but notes that there are natural and cage-free methods that farmers can invest in to ultimately prevent the same injuries. Food safety and environmental impact are also mentioned as Burrows describes the food additives used for caged animals that later necessitate increased antibiotic use (Burrows 2016). Although Burrows does not speak for all farmers, he raises an important perspective about the trade-offs small-scale farmers face and is an example of the voices that should be leveraged in the discussion of animal welfare as many other MA farmers have also expressed the great lengths they undertake to ensure the well-being and happiness of their animals. The op-ed reflects a critical aspect of the issue: the farmers and farmworkers themselves who are not fully featured the main arguments of either campaign side, yet who have the most direct relationship with the animals themselves.

Economics and Food Safety

Support for the humane treatment of animals was also found in the arguments for Question 3 that recognized economic impact and food safety improvements, tying societal change to additional political domains. While some opponents raised concerns of implied increases in eggs, the HSUS “Yes on 3” factsheet cited a 2006 report by the United Egg Producers that found it would cost “a penny more per egg to produce cage-free rather than battery cage eggs. The pork industry published a study that determined it can cost 11 percent less not to use gestation crates” (Humane Society of the United States 2016b). Even such a small increase in production costs has the potential to be leveraged into increased costs for consumers, but Stephanie Harris argues that regardless of their socioeconomic status, “Massachusetts

consumers deserve protection from substandard, unsafe and inhumane products. We shouldn't have a two-tiered system where safer food is only accessible to some" (Wade 2016, par.9).

Harris highlights a larger issue at hand, where lack of responsibility or cost-cutting practices by industry leaders have driven down prices to point at which they do not reflect the hidden costs of raising hens in caged facilities.

The conception Americans have of their relationship to eggs is directly influenced by marketing, which adds an implicit layer to decision making surrounding the ballot process. For example, the idea that eggs are a necessary source of protein and minerals is propagated by the egg industry in their economic interest of making a profit (Heng, Peterson, and Li 2013). The Center for Food Safety presents one concealed cost of caged farm animals, the price of human health problems. Links of salmonella and food poisoning deaths are much higher with products from caged versus non-caged animals (Humane Society of the United States 2016b). One of the main reasons consumers have been found willing to pay higher prices for organic eggs is their belief that they are "healthier" (Heng, Peterson, and Li 2013). Similar to the explanation of egg labeling in Figure 1, information about the healthiness of eggs has become diluted, with stakeholders advertising the truths that best suit their interests.

The "Yes on 3" campaign did not engage with the difference in responsibilities of small-scale compared with large-scale operations in their protection of animals or for complying with food safety standards, instead focusing on a narrative of consumers pressuring the industry to be held accountable to responsible and humane welfare practices. Question 3 appealed to multiple stakeholder perspectives, with a campaign that presented both human and non-human centered arguments.

4c. Opponents

According to WBUR (Boston's branch of national public radio), in September of 2016 every proposition on the November primary ballot was met with "formal opposition", except Question 3. A formalized opposition committee was later formed, but the initial lack of opposing activity contributed to the campaign experience (Shea 2016). To understand whether the lack of formal opposition helped lead to overwhelming public support, or whether predetermined public support led to lack of formal opposition, it is necessary to investigate the themes of the proposition that provoked resistance. Three main issues drove the opposition to Question 3: economic shifts, vegan agenda, and increased regulation. The lack of cohesion between opposing groups around which of these issues was most unfavorable contributed a weak opposition campaign, particularly in comparison with the targeted messaging and national support of the "Yes on 3" advocates.

The division in the opposition can partially be explained by the distinction in approaches to relationship with animals. The opposing groups that cared most about economic changes tended to favor the impact of Question 3 on human success or health, while groups that opposed increased regulation cared about animal well-being but preferred to address the local practices of supporting animals rather than systemic concerns.

Economic Shifts

The projected increase in price of eggs was a central concern for the leader of the opposition group, "Citizens Against Tax Injustice", however many of the partner organizations that joined the committee had alternate agendas. While the Humane Society had been specifically building ballot measure campaigns since 2012, the Citizens Against Food Tax

Injustice committee was not formed until September 2016 (Charles 2012, Sullivan 2016). Diane Sullivan became the driving force of the “No” campaign, acting as the spokesperson for press releases, interviews, and panels. Sullivan identified as “a formerly homeless, Medford mother who has been advocating on behalf of low-income households for 14 years”, and has personally experienced economic injustices related to food access and pricing (Sullivan 2016). Citizens Against Food Tax Injustice cited a study by Cornell University which examined price effects after Proposition 2 in California, and predicted that “the resulting increase in egg prices disproportionately harms lower income households” (Kaiser 2016). The economic impacts of Proposition 2 will be further examined in Section 5 of this research, but the general concerns of opponent stakeholders relating to perceptions of humans and animal well-being are explained below.

Vegan Agenda

Opposition to Question 3 was guaranteed because of its priority for animal well-being, which some humans see as unnecessary due the human versus non-human animal hierarchy. Beyond the local concerns of Diane Sullivan and other economically minded opponents, campaign finances highlight national interests in preventing the passage of Question 3. The biggest contributor to the Citizens Against Tax Injustice campaign was Forrest Lucas, represented by a combination of individual contributions, and contributions from his company Lucas Oil Products. The second largest contributor was the National Pork Producers Council, followed by the Retailers Association of Massachusetts. Additional contributors included the New England Brown Egg Council, Vermont Feed Dealers and Manufacturers, Northeast Agribusiness & Field Alliance Inc., and Berman and Company (a campaign media service)

(“OCPF: Registered Filers, Citizens Against Food Tax Injustice” 2016). Each of these companies and associations might care about the economic impact of egg prices on low-income communities, but also each hold significant economic interest of their own (See Figure 3).

The main donor, Forrest Lucas, has a proud history of using his funds to fight animal rights groups. A successful businessman from Indiana, Lucas made a fortune from oil products and has since “dedicated his resources to protecting America’s prosperity” (“Forrest Lucas” 2015). His organization “Protect the Harvest” works nationally to oppose legislation that restricts farmers and the agricultural industry. In Massachusetts, the executive director of Protect the Harvest, Ben Klippenstein, highlighted the concerns of increased egg and meat prices for low-income consumers: “this food debate in this country is being had by those that will never be concerned about missing a meal” (Wade 2016, par.12). Nonetheless, the Protect the Harvest website actively targets HSUS, making clear their criticisms and hostility. In fact, the FAQ website for the organization focuses predominantly on mocking and objecting to HSUS for their emphasis on animal rights and reducing meat consumption (“HSUS Exposed”, "FAQ" 2015). Lucas and other opponents are fundamentally against the purpose of initiatives like Question 3, stemming from core values that the lives and well-being of animals are of less importance/value than humans.

Government Regulation

Opposition to Question 3 was also generated because of its prompt for increased government regulation. The Massachusetts Farm Bureau Association set forth a statement of opposition on their website urging voters to vote no, and improve livestock practices through alternative actions. A grassroots organization with the tagline “The Voice of Agriculture”, the

Massachusetts Farm Bureau brings farmers together around policy development. With over 6,000 members in the Massachusetts chapter, and 6.2 million members nationally, they consider themselves “the world’s largest agricultural advocacy organization” (“We Are Mass Farm Bureau” 2017). The Farm Bureau has accumulated significant number of farmers, and their opinion as a unified entity has provided a platform for regulation change that represents its many members. In their statement of opposition, the Farm Bureau included five key reasons as explanation: there is only one farm in Massachusetts that would be affected, the subject is misleading to consumers who trust their local farmers, the proposition uses MA farmers as a pawn for other states, it will raise the cost of veal, pork, and eggs, and that voters should not determine farm policy as it requires similar facts/information to medical and energy policies. Instead, the Farm Bureau recommends consumers influence practices through their purchasing choices, buying from and talking with local farmers, and “[supporting] legislation to create a Livestock Care and Standards Board” (“Questions on Question 3” 2017).

The Livestock Care and Standards Board (LCSB) was also specifically supported by the Massachusetts Veterinary Medical Association (MVMA) (“MVMA Position Statement” 2016). The MVMA is focused on veterinary care for clients with self-owned animals, but holds similar values to non-profit groups regarding the importance of humane treatment for animals (“Animal Welfare & Non-Profit Organizations” 2015). In the campaign of Question 3, the Animal Welfare Committee of the MVMA was responsible for representing the position of the Association’s many members and professionals (“Position Statements” 2017). The MVMA ultimately opposed the Act, not because of its principles, but because of its lack of effective enforcement mechanisms. The ability of animals to be housed with adequate space is important to the MVMA, however Question 3 “advocates only for specific, rigid animal housing space

requirements but does not have any mechanism to adapt to changing needs on an ongoing basis”. As an alternative initiative, the MVMA supports the establishment of a LCSB (“MVMA Position Statement” 2016). This proposed board has been modeled in states like Ohio, and offers an intersectional space for many stakeholders to influence and create appropriate policies and regulations (“Questions on Question 3” 2017, MVMA Position Statement 2016).

Lastly, but perhaps most significantly, many local farmers were opposed to Question 3. According to news report by WBUR, “Diemand Farm in the western Massachusetts town of Wendell is the only farm in the state that houses egg-laying chickens in small, wire cages. (And there are no farms here that use the *other* practices that would be banned by Question 3)” (Shea 2016). This is further supported by other news articles, which highlight the humane conditions of Diemand farm and the lack of farms in Massachusetts that would need to change their practices to comply with regulation (Davis 2016, Serreze 2016, Food & Water Watch 2012). Instead, farmers such as Pete Lowy are “concerned about unclear language, further regulation of farmers and the impact Question 3's passing would have on consumers” (Shea 2016). Furthermore, there is concern that some cage-free facilities have worse conditions than farms with caged animals due to improper space, manure collection protocol, and harm by pecking from crowded animals (Serreze 2016).

In an analysis by WBUR of the voting breakdown, perception played a key role in the ballot campaign (See Figure 2). Most of the towns in Massachusetts had a 70/20 or higher ratio in favor of Question 3. Wendell, the town that hosts Diemand farms had the largest no vote (58.8% against), with the surrounding region representing nearly all the towns with yes votes of 60% or lower (Fujiwara 2016). This is clearly tied to the farm itself, and the community that knows the farm best. That region of Massachusetts also represents a significant population of

farming communities who care about animals but have experienced the stronger practices that occur when the political economy of animal welfare is based on individual and community relationships.

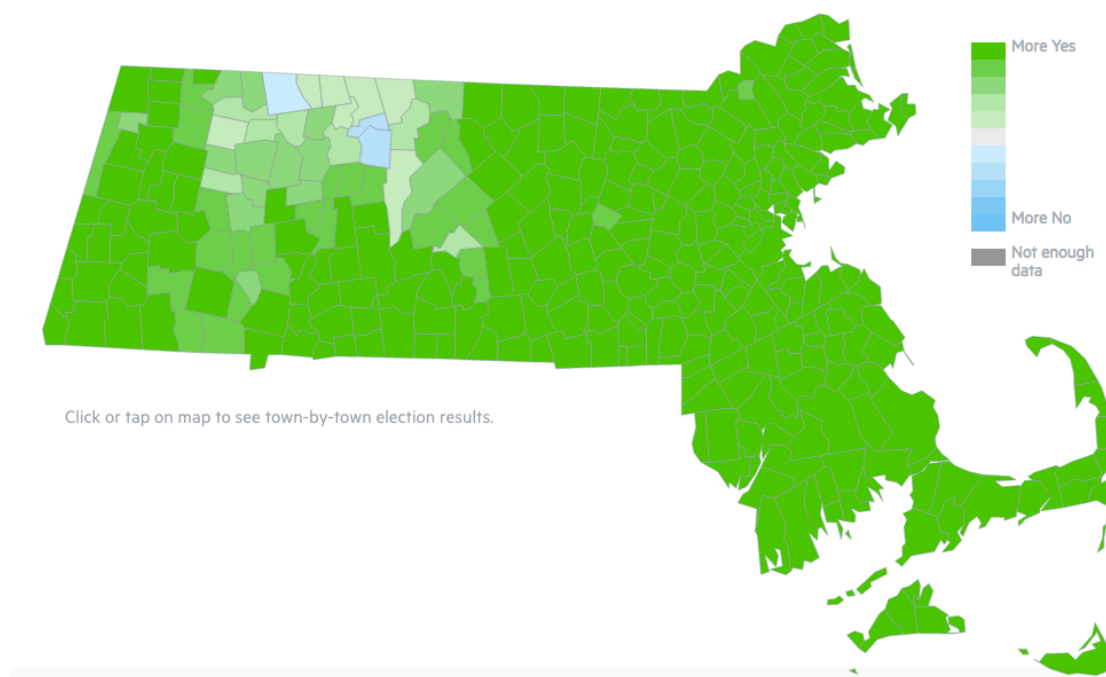


Figure 2. Breakdown of Voting by Town in Massachusetts, (Fujiwara 2016)

4d. Campaign financing

Since humans hold the societal power of rules and regulations that govern animal lives, the effectiveness of policy lies in the balance of human opinion. The financial breakdown of the campaign exhibits the relationship of narratives and funding in how politics function in the United States, and what influences voters in their ability to access information and pass legislation. When Gerry Tuoti, the Newsbank Editor at Wicked Local Norton, reported on the campaign financing of ballot questions in September of 2016, all of the proponents had considerably higher filings than the opposition. At the time, the Office of Campaign and Political

Finance (OPCF) had a recorded \$1,606,325 donations in support of Question 3, with \$0 donations filed in opposition. Nearly 75% of these donations were contributed by the Humane Society of the United States, the national supporter for the bill (Tuoti 2016). While Figure 3 clearly outlines higher amounts of contributions in support of the ballot initiative, the opposition was able to raise their significant portion of funds in just a few months, with strong private backing. Furthermore, a study on financing direct democracy found that despite perception that spending against a given campaign is most effective in outcome, spending tends to reflect the “endogenous nature of the campaign”. True to the Humane Society, researchers found that an organization that is willing to go through the process of getting a question on the ballot is likely to invest in its passage (de Figueiredo, Ho Ji, and Kousser 2011).

Contributions from a national or out-of-state entity to local campaigns have steadily increased in recent years, following the national Citizens United ruling in 2010 that “allowed wealthy donors to contribute millions of dollars to such campaigns, much of it shielded from public scrutiny”. While opinions about a given ballot question may reasonably differ, donations allow a campaign to increase their visibility and spread of information This can create bias in the public realm by skewing perception and allowing individual wealthy citizens influence policies (Phillips 2016). Trends in campaign financing and outcome following Citizens United have increased the ability of business or special interests groups to impact the chance of a given initiative’s passage (de Figueiredo, Ho Ji, and Kousser 2011). As a result, there have been clear connections between industry spending on marketing and a shift in voter’s perspective, and Massachusetts has been no exception (Phillips 2016). This trend likely influenced the strategic planning of HSUS and Citizens for Farm Animal Protection in their financial operations, education, and outreach efforts.

	<i>Stakeholder</i>	<i>Economic Concerns</i>	<i>Health Concerns</i>	<i>Humane Animal Treatment Concerns</i>	<i>Policy Concerns</i>	<i>Monetary Contribution</i>	<i>National Organization</i>
<i>For</i>	The Humane Society of the United States	NO	YES	YES	YES	\$2,469,342.77	YES
	Maximilian Stone	Unknown	Unknown	YES	Unknown	\$250,000	Unknown
	The Humane Society Legislative Fund	NO	YES	YES	YES	\$100,059.09	YES
	The American Society for the Prevention of Cruelty to Animals	NO	YES	YES	YES	\$100,000	YES
	Dr. Bronner's Magic Soap	NO	YES	YES	YES	\$100,000	YES
<i>Against</i>	Forrest Lucas	YES	NO	NO	YES	\$195,000	YES
	National Pork Producers Council	YES	NO	NO	YES	\$100,000	YES
	Berman and Company	YES	NO	NO	YES	\$23,850.9	YES
	Retailers of Massachusetts	YES	YES	NO	YES	\$3,474.62	NO
	Northeast Agribusiness & Field Alliance, Inc.	YES	YES	YES	YES	\$2,500	NO

Figure 3. Stakeholder Interests and Financing

Public Perception and Ballot Finances

Researchers from the School of Agribusiness and Resource Management at Arizona State University specifically examined the relationship between media advertising and animal welfare regulation following the passage of California’s Proposition 2. As an already polarized issue, the extent to which advertising can sway the opinions of citizens is of importance to both advocate and oppositional interests. The analysis also addressed different theories for understanding animal welfare, as an improvement to a resource (i.e. pigs comparable to lumber), or as the deserved protection of living creatures. Positive and negative informational advertisements were shown to have distinct effects on consumer’s attitudes, providing insight to the success of the Question 3 campaign in Massachusetts (Richards, Allender, and Fang 2013).

A key result was identifying the strong effects of “prospect theory”, where individuals experience an initial shock after learning new information from an advertising campaign. For

example, in the case of Question 3, the general public of Massachusetts might have thought the eggs around them were largely cage-free, then gained a new perspective on the issue after an advertisement. This influences voting, as well as willingness to pay for a good. In California, “demand for cage-free eggs increased by 180% over a period of the campaign” (Richards, Allender, and Fang 2013). Financial contributions directly change the information the public is exposed to, but do not always dictate the final outcome of a given policy.

5. Implications

The passage of Question 3 holds both state-specific and national implications, and the passage of Proposition 2 in California in 2008 provides post-hoc research to help inform if this policy is an effective way to change the status of egg production. In 2008, Proposition 2, “California’s Prevention of Farm Animal Cruelty Act”, passed with 65% percent of the votes. This proposition offers a unique contribution to the understanding of policy effects because it was set to be fully implemented by 2015, allowing time for researchers to study the impacts (Malone and Lusk 2016). Similar to the reactions of stakeholders in Massachusetts, many California citizens aligned themselves with animal rights groups, supporting the need for humane animal treatment, while farmers were frustrated by the need to invest to meet regulations that seemed likely to change in the future (Fudge 2012).

5a. Sociopolitical

The implications of national cage-free egg standards reflect the political ecology of meat, and interconnected nature of social practices with industrial, environmental, and economic changes. The goal of both Proposition 2 in California and Question 3 in Massachusetts is to shift

the social norms of animal welfare in the United States. Nationally, the passage of these policies, and others, has begun to do so. However, in the case of Massachusetts, this policy did not enhance animal welfare practices to the same extent it might in other states, and in fact perhaps detracted from local relationships. Furthermore, legislation for animal welfare has historically been rooted in scientific assessments of “suffering or unnecessary discomfort” to regulate industry practices, not by small-scale farmers who know their own animals and have gained generational knowledge of best practices (Bock and Buller 2013). The implications of Question 3 hinge on the distinction between large-scale and small-scale producers, which reflect drastically different conditions in Massachusetts compared with other states.

The interconnected composition of the food system in the U.S. makes it nearly impossible to regulate products that originate solely within a given state, but the politics of the U.S. make it extremely difficult to pass federal legislation on topics as disputed as animal welfare. Statewide changes have had positive national ramifications, like with the introduction of animal welfare legislation in California prompting other states to improve policy as well. For example, Michigan banned battery cages in 2009, and gestation crates are now banned in Florida and Arizona (Heng, Peterson, and Li 2013). Improvements in welfare have been challenged at every level, and in 2014 the U.S. House of Representatives introduced an amendment that would have prohibited states from regulating animal products in other states (Malone and Lusk 2016). Although this bill did not pass, there are sure to be similar challenges in the future.

In the U.S., housing cage-free rather than conventional chickens has been shown to create a healthier agricultural system. Nevertheless, raising livestock in a concentrated space at a large-scale for consumption is inherently damaging to the environment. Family owned, small, and self-operated farms have better stewardship of land and animals than large-scale operations (See

Figure 4 for examples of the scale of large and medium scale operations). This is due to their ability to compost their waste (using less antibiotics than confined animal operations) and produce smaller amounts of concentrated contaminants. The consolidation of small farms into larger farms burdens the physical land by changing the balance of nutrients, moving from diversified areas with animals raised proportionately to crop space, to operations that maximize the ratio of animal bodies to square inches to increase product yield (Humane Society of the United States 2008).

Small-scale operations are also associated with stronger social networks and farming community relations, leading to improved practices and shared responsibility for natural resources, like clean water. Economically, more community members are supported by the business of farming with smaller operations as medium- and large-scale operations create inequitable concentrations of wealth. (Humane Society of the United States 2008). The overall welfare of both humans and farm animals is profoundly improved when the scale of operations is smaller, most simply due to difference in capacity.

	Large Concentrated Animal Feeding Operations³⁵	Medium Concentrated Animal Feeding Operations³⁶
Chickens raised for meat	<ul style="list-style-type: none"> • 30,000 for facilities using liquid manure handling systems • 125,000 for other facilities 	<ul style="list-style-type: none"> • 9,000-29,999 for facilities using liquid manure handling systems • 37,500-124,999 for other facilities
Egg-laying chickens	<ul style="list-style-type: none"> • 30,000 for facilities using liquid manure handling systems • 82,000 for other facilities 	<ul style="list-style-type: none"> • 9,000-29,999 for facilities using liquid manure handling systems • 25,000-81,999 for other facilities
Pigs	<ul style="list-style-type: none"> • 2,500 if each animal weighs 55 pounds or more • 10,000 if each animal weighs less than 55 pounds 	<ul style="list-style-type: none"> • 750-2,499 if each animal weighs 55 pounds or more • 3,000-9,999 if each animal weighs less than 55 pounds
Cattle	<ul style="list-style-type: none"> • 700 mature dairy cows • 1,000 calves raised for veal • 1,000 other cattle 	<ul style="list-style-type: none"> • 200-699 mature dairy cows • 300-999 calves raised for veal • 300-999 other cattle

Table 1. “Definitions by the Numbers” (Humane Society of the United States 2008, p.10)

Reactions to the passage of Proposition 2 in California revealed a similar polarity to the Massachusetts campaign between conventional and large-scale egg producers, and animal rights

activists. Opponents argued that in Europe, egg farmers were stuck in a cycle of investing in improved facilities, then being forced to update their infrastructure every time activists organized. With the new regulations of Proposition 2, some farmers in California did ultimately decide to stop selling eggs, or were forced to kill part of their flock to meet size requirements. At the same time, activists pointed to the minimal scale of change because “cage-free” hens can still be confined, and practices like beak cutting and starvation are still technically permitted. A true signal of consumers supporting the shift in policy in California was an increase in demand “over the past several years [which] has led to increased supply, and California’s new law has helped to both raise awareness and shrink the price gap, making pasture-raised eggs a viable option for more consumers” (Westervelt 2015, par.12).

The knowledge of animal welfare that consumers gained because of campaign advertising concerned farmers in Massachusetts, and the “Yes” campaign did little to distinguish between imported eggs and local practices. This added to the polarization of the topic, rather than explaining the nuances of the agricultural system. As Leila Phillip, a Professor at Holy Cross and resident of Massachusetts explained in an op-ed:

“Most important, egg cartons will remain full of misleading labeling. To buy eggs from farms that ensure standards of animal welfare (and to choose the most nutritious, albeit more expensive eggs), consumers need to ignore the cute farm stories and look for one label only, the green stamp that reads “certified humane raised and handled.” This certification is regulated by a third-party organization, Humane Farm Animal Care, founded in 2013, and its standards for egg production are backed by yearly inspections of both farms and egg-shipping facilities.” (Phillip 2016, par.8)

As a citizen, Phillip wrote this op-ed in response to the passage of the ballot question to explain implications to other members of the public in an objective manner, something neither HSUS nor the MA Farm Bureau could do completely. In the case of both MA and CA, the implications of the ballot passage are different for small versus large sale producers, but the distinction is not

mentioned in the bill itself or in the information directed at the public.

5b. Economical

The economic implications of Question 3 were a central concern of the local opposition, largely informed by the analysis of the price changes in eggs and consumer reaction to the passage of Proposition 2 in California. While most studies identified an increase in egg prices following the regulation, researchers and advocates disagree on the long-term implications of this shift. The spectrum of economic interpretations reflects the broader economic or social interests of each entity. For example, a 2009 article in *Feedstuffs* focused on the consequences of the cage-free transition, referencing a study conducted on behalf of the United Egg Producers by economic consulting firm Promar International (Smith 2009). *Feedstuffs* is self-defined as “animal agriculture’s leading source of news... on the important issues affecting the business of producing food and fuel for the world markets” (“*Feedstuffs*” 2017). Promar International found that cage-free eggs “would increase the cost of eggs for consumers 25% or more, would increase the cost of eggs for government nutrition programs \$169 million per year and could increase egg imports from virtually zero now to 7 billion eggs per year” (Smith 2009). This is statistically significant, and concerning for low-income individuals, but originates from social actors with active opposition to cage-free eggs.

Researchers Don Bell, and Trey Malone and Jayson Lusk also studied the costs and socio-economic issues relating to animal welfare for egg laying hens. Bell, a researcher from the University of California as well as a former poultry specialist, produced a review of publications in 2005 for the United Egg Producers Annual Meeting that found the most significant costs of free range eggs to the producer to be “greatly increased land requirements” and “higher labor

requirements” (Bell 2006). Each of these inputs was previously maximized by the cages and are of economic importance to producers. However, a study by Malone and Lusk in 2016 suggests that consumers are willing to compensate that shift in order to ultimately support more humane treatment of hens.

In their ex-post analysis of Proposition 2’s economic impacts published in the *Journal of Agricultural and Resource Economics*, Malone and Lusk from Oklahoma University undertook multiple approaches to assess changes in price. Their methods included: vector regression, difference in differences, change in consumer surplus with demand elasticity assumptions, and comparison of average consumer awareness. These different calculations produced varying statistics, finding that “Californians now pay between \$0.48 and \$1.08 more for a dozen eggs” as a result of Proposition 2. A significant statistic in understanding that increase is the estimated “annual reduction in California consumer surplus of between \$400 million and \$850 million” (Malone and Lusk 2016, p.1).

Although the cost of cage-free eggs definitely increased as a result of the new regulation, 85% of consumers in the California economy had already been willing to pay approximately \$0.49 per dozen more for eggs from humanely treated hens (Malone and Lusk 2016). Furthermore, research on the elasticity of egg prices found that “a 10% increase (or decrease) in egg prices would lead to a mere 0.2% decrease (increase) in quantity demanded... [and] applying Kaiser’s (2006) elasticity estimate to the 18% price increase due to the California law suggests that the average decrease in quantity demanded would only be 0.41%” (Kaiser 2016, p.2). The contrast in importance of price increases for consumers is also demonstrated in a study of participants ranking items of importance for farm animal treatment where “respondents’ views were much more divided for items, “receive fresh and clean food and water” and “are raised in

ways to keep our food costs low” compared to the other items. These two items were ranked both highest and lowest” (Heng, Peterson, and Li 2013, p.423). While the costs of raising hens in cage-free environments raises costs for both producers and consumers, California consumers demonstrated their desire to make the choice about what their purchasing power supports, and their inelasticity in changing demand based on egg prices.

Interstate Commerce Clause

Another argument against both Proposition 2 and Question 3 has focused on the Interstate Commerce Clause. In 2010, the addition of AB 1437 to Proposition 2 was intended to extend the impact of creating a policy around cage-free eggs, and “protect California consumers from the deleterious health, safety and welfare effects of the sale and consumption of eggs derived from egg-laying hens that are exposed to significant stress...”. Attorney Generals from the states of Iowa, Nebraska, Oklahoma, Kentucky and Alabama all took legal action against the state of California due to the implied economic effect of this policy. The Plaintiffs argued that Proposition 2 would violate the commerce clause because it would favor California egg producers with cage-free practices in the competitive egg market, particularly because California egg farmers were given more time to comply (Keady 2015, p.510).

Plaintiffs also claimed that the proposition would interrupt interstate commerce due to the mass amount of egg imports California requires, the increased cost of egg production other states would be forced to comply, and the oversaturation of conventional eggs in the market. The district court dismissed the case because “[the states] fail[ed] to allege an interest apart from private egg producers” and did not truly represent the interests of their citizens. The argument against California revolved around issues that were intended to result from the proposition (Keady 2015, p.511). The lack of national, unified, regulation of farm animal treatment has

created legal confusion, and forces states to bear the burden of responsibility for demanding welfare centered on micro changes rather than holistic shifts in perspective of animal well-being.

6. Conclusions

Massachusetts' decision to eliminate battery cages for chickens and prohibit the in-state sale of eggs from inhumane sources set in motion a new standard for farm animal welfare, supported by past initiatives of California and other states. With Question 3, animal welfare advocates won a significant national advancement for cage-free eggs, but lacked the enforcement necessary for profound change throughout the agricultural industry. The differences in national and local implications of Question 3 contributed to divisions in the priorities of stakeholder groups. The three predominant areas of concern were: improving animal welfare, unclear implementation of regulatory changes, and anticipated increase in egg prices. Media played a critical role in disseminating information, and concerns linger that the campaign damaged relationships between local farmers and the general public by depicting farming practices that do not exist in the state of Massachusetts.

Analyses of consumer and producer reactions to Proposition 2 in California since 2008 have highlighted the most intense division in opinion around the policy between those most concerned with economics, and those concerned with animal welfare. The valuation of animal lives for their own good, in relation to human good, or on behalf of economic productivity was the central driver of stakeholder opinion. These opinions matter because they shift economic decisions and societal norms. While it is unlikely that a piece of legislation will ever be completely unchallenged, it is necessary to develop alternative methods of regulation for the agricultural industry outside of Propositions or Federal laws. One important alternative raised by the Massachusetts Farm Bureau and the Massachusetts Veterinary Medical Association was a

“Livestock Care and Standards Board”, which would offer an intersectional space for stakeholders to influence and create appropriate policies and regulations on a continuing basis. Ultimately, MA imports the majority of its eggs from other states and Question 3 will pressure those producers to implement better practices. Now more than ever, farmers and food advocates in MA are challenged with improving food systems education for the public, and enacting statewide policies that effectively support already ethical practices.

Recommendations

Question 3 presents an interesting case study for other states in their development of agricultural policies. Clearly the lessons learned from Question 3 represent different opportunities depending on the stakeholder’s perspective. With any group interested in diminishing the scale and impact of industrial agricultural and livestock production, the promotion of smaller-scale farms should be a priority. As such, it could be advantageous for animal rights groups to build relationships with local farmers. This might be difficult considering the overall agenda of groups such as the Humane Society in eliminating meat consumption, yet by improving the public’s understanding of animal welfare, they might be more likely to polarize factory farming from the accepted realm of food production. Furthermore, both the Humane Society and local, small-scale farmers should continue to connect the importance of animal welfare to climate change, human health, and supporting local economies to later reach a point where humans can understand how to make policy for the sake of the animals and the earth, separate from the benefit to humans.

The agricultural industry should be supported in its voluntary changes, however changes in overall approach to animal well-being must be addressed by consumers. Central to creating

effective agricultural policy is connecting consumers to the sources of their products, and implementing systems of localized standards, in addition to a national baseline. States can improve their economic incentives for consumers to buy local, as well as increase their subsidies for those who cannot afford the higher-quality food, because both actions ultimately support the overall local economy. Providing subsidies to humane certified producers is another government policy that can incentivize improved practices.

Above all, to improve farm animal welfare and industry practices, Americans must be more directly exposed to the realities of the food system, addressing both anthropocentrism and biocentrism in explanations. Shifting the definitions of human happiness and animal welfare should begin from a young age, and efforts to support schools in integrating lessons about growing food and taking care of animals as living creatures should be expanded. Non-agriculturally centered states like MA should do all they can to grow the compassionate, productive, and small-scale farm animal practices that are already in place, and support a transition away from large-scale concentrated agriculture operations in other states through education, purchasing, and policy.

Appendix

A. Ballot Question 3, Full Text

An Act to Prevent Cruelty to Farm Animals

Be it enacted by the People, and by their authority:

Prevention of Farm Animal Cruelty Act

Section 1.

The purpose of this Act is to prevent animal cruelty by phasing out extreme methods of farm animal confinement, which also threaten the health and safety of Massachusetts consumers, increase the risk of foodborne illness, and have negative fiscal impacts on the Commonwealth of Massachusetts.

Section 2.

Notwithstanding any general or special law to the contrary, it shall be unlawful for a farm owner or operator within the Commonwealth of Massachusetts to knowingly cause any covered animal to be confined in a cruel manner.

Section 3.

Notwithstanding any general or special law to the contrary, it shall be unlawful for a business owner or operator to knowingly engage in the sale within the Commonwealth of Massachusetts of any:

- (A) Shell egg that the business owner or operator knows or should know is the product of a covered animal that was confined in a cruel manner.
- (B) Whole veal meat that the business owner or operator knows or should know is the meat of a covered animal that was confined in a cruel manner.
- (C) Whole pork meat that the business owner or operator knows or should know is the meat of a covered animal that was confined in a cruel manner, or is the meat of the immediate offspring of a covered animal that was confined in a cruel manner.

Section 4.

For the purposes of this Act, a covered animal shall not be deemed to be “confined in a cruel manner” during:

- (A) Transportation.
- (B) State or county fair exhibitions, 4-H programs, and similar exhibitions.
- (C) Slaughter in accordance with any applicable laws, rules, and regulations.
- (D) Medical research.
- (E) Examination, testing, individual treatment or operation for veterinary purposes, but only if performed by or under the direct supervision of a licensed veterinarian.
- (F) The five (5) day period prior to a breeding pig’s expected date of giving birth, and any day that the breeding pig is nursing piglets.
- (G) Temporary periods for animal husbandry purposes for no more than six (6) hours in any twenty-four (24) hour period.

Section 5.

For purposes of this Act, the following terms shall have the following meanings:

- (A) “Breeding pig” means any female pig of the porcine species kept for the purpose of commercial breeding.
- (B) “Business owner or operator” means any person who owns or controls the operations of a business.
- (C) “Calf raised for veal” means any calf of the bovine species kept for the purpose of commercial production of veal meat.
- (D) “Covered animal” means any breeding pig, calf raised for veal, or egg-laying hen that is kept on a farm.
- (E) “Confined in a cruel manner” means confined so as to prevent a covered animal from lying down, standing up, fully extending the animal’s limbs, or turning around freely.
- (F) “Egg-laying hen” means any female domesticated chicken, turkey, duck, goose, or guinea fowl kept for the purpose of commercial egg production.
- (G) “Enclosure” means any cage, crate, or other structure used to confine a covered animal or animals. “Enclosure” includes what is commonly described as a “gestation crate” or “stall” for pigs during pregnancy, a “veal crate” for calves raised for veal, and a “battery cage, enriched cage, or colony cage” for egg-laying hens.
- (H) “Farm” means the land, building, support facilities, and other equipment that are wholly or partially used for the commercial production of animals or animal products used for food; and does not include live animal markets or establishments at which inspection is provided under the Federal Meat Inspection Act.
- (I) “Farm owner or operator” means any person who owns or controls the operations of a farm.
- (J) “Fully extending the animal's limbs” means fully extending all limbs without touching the side of an enclosure. In the case of egg-laying hens, fully extending the animal’s limbs means fully spreading both wings without touching the side of an enclosure or other egg-laying hens and having access to at least 1.5 square feet of usable floor space per hen.
- (K) “Person” means any individual, firm, partnership, joint venture, limited liability corporation, estate, trust, receiver, syndicate, association, or other legal entity.
- (L) “Pork meat” means meat, as defined in 105 CMR 531.012 as of June 1, 2015, of a pig of the porcine species, intended for use as human food.
- (M) “Sale” means a commercial sale by a business that sells any item covered by Section 3, but does not include any sale undertaken at an establishment at which inspection is provided under the Federal Meat Inspection Act. For purposes of this section, a sale shall be deemed to occur at the location where the buyer takes physical possession of an item covered by Section 3.
- (N) “Shell egg” means a whole egg of an egg-laying hen in its shell form, intended for use as human food.
- (O) “Turning around freely” means turning in a complete circle without any impediment, including a tether, and without touching the side of an enclosure or another animal.
- (P) “Uncooked” means requiring cooking prior to human consumption.
- (Q) “Usable floor space” means the total square footage of floor space provided to each hen, as calculated by dividing the total square footage of floor space provided to hens in an enclosure (including both ground space and elevated flat platforms) by the number of hens in that enclosure.
- (R) “Veal meat” means meat, as defined in 105 CMR 531.012 as of June 1, 2015, of a calf raised for veal, intended for use as human food.
- (S) “Whole pork meat” means any uncooked cut of pork (including bacon, ham, chop, ribs, riblet, loin, shank, leg, roast, brisket, steak, sirloin or cutlet) that is comprised entirely of pork

meat, except for seasoning, curing agents, coloring, flavoring, preservatives and similar meat additives. Whole pork meat does not include combination food products (including soups, sandwiches, pizzas, hot dogs, or similar processed or prepared food products) that are comprised of more than pork meat, seasoning, curing agents, coloring, flavoring, preservatives and similar meat additives.

(T) “Whole veal meat” means any uncooked cut of veal (including chop, ribs, riblet, loin, shank, leg, roast, brisket, steak, sirloin or cutlet) that is comprised entirely of veal meat, except for seasoning, curing agents, coloring, flavoring, preservatives and similar meat additives. Whole veal meat does not include combination food products (including soups, sandwiches, pizzas, hot dogs, or similar processed or prepared food products) that are comprised of more than veal meat, seasoning, curing agents, coloring, flavoring, preservatives and similar meat additives.

Section 6.

The Attorney General shall have exclusive authority to enforce the provisions of this Act. Each violation of this Act shall be punished by a civil fine not to exceed one thousand dollars (\$1,000). The Attorney General may also seek injunctive relief to prevent further violations of this Act.

Section 7.

It shall be a defense to any action to enforce this Act that a business owner or operator relied in good faith upon a written certification or guarantee by the supplier that the shell egg, whole pork meat, or whole veal meat at issue was not derived from a covered animal that was confined in a cruel manner, or from the immediate offspring of a female pig that was confined in a cruel manner.

Section 8.

The provisions of this Act are in addition to, and not in lieu of, any other laws protecting animal welfare. This Act is not intended, and should not be construed to limit any other state law or rules protecting the welfare of animals or to prevent a local governing body from adopting and enforcing its own animal welfare laws and regulations that are more stringent than this section.

Section 9.

The provisions of this Act are severable and if any clause, sentence, paragraph or section of this Act, or an application thereof, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or application adjudged invalid.

Section 10.

The Attorney General shall promulgate rules and regulations for the implementation of this Act on or before January 1, 2020.

Section 11.

Sections 2-7 of this Act shall take effect on January 1, 2022.

(“An Act to Prevent Cruelty to Farm Animals” 2015)

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