



Peace and Justice Commission

CONSENT CALENDAR
December 10, 2019

To: Honorable Mayor and Members of the City Council
 From: Peace and Justice Commission
 Submitted by: Igor Tregub, Chairperson, Peace and Justice Commission
 Subject: Support for Non-Violent Activists and Protections of Animals in Commercial Operations

RECOMMENDATION

Adopt a resolution supporting non-violent activists and protecting animals in commercial operations.

SUMMARY

Berkeley residents currently face felony charges for conducting non-violent investigations and animal rescues involving factory farms in Sonoma County. We urge the Berkeley City Council to adopt a resolution supporting those activists diverting resources to protecting animals in commercial operations.

FISCAL IMPACTS OF RECOMMENDATION

Minimal to negligible.

CURRENT SITUATION AND ITS EFFECTS

At its September 9, 2019 meeting, the Peace and Justice Commission approved the attached resolution with an amendment including, as a footnote, the text of California Penal Code Section 597e. The action taken was as follows:

M/S/C: Meola, Tregub

Ayes: al-Bazian, Bohn, Lippman, Maran, Meola, Morizawa, Pancoast, Pierce, Rodriguez, Tregub

Noes: None

Abstain: Gussman, Han

Absent: Askary

Excused: None

Five Berkeley residents – Almira Tanner, Cassie King, Wayne Hsiung, Priya Sawhney, and Jon Frohnmayr – and an Oakland resident – Rachel Ziegler – all of whom are members of the international grassroots activist network Direct Action Everywhere (DxE), presently face seven or eight felonies each in Sonoma County in connection with three

demonstrations by DxE in that county. The defendants have strong legal defenses, and the case draws attention to the significant animal cruelty in commercial operations; however, the case also poses significant risks to the defendants' freedom and professional futures. The Peace and Justice Commission requests of the Berkeley City Council to pass a resolution disavowing the prosecution, urging the Sonoma County District Attorney and other authorities to address the underlying issues of animal cruelty motivating the activists' actions, and affirming Berkeley's commitment to addressing the suffering of innocent animals everywhere.

BACKGROUND

A. California has strict animal cruelty laws that protect animals in commercial operations.

California has one of the strongest animal cruelty laws in the United States. Penal Code (PC) Section 597 makes it a crime to intentionally and maliciously maim, mutilate, torture, wound, or kill an animal. Examples of punishable conduct are overworking, torturing, depriving of necessary food, water or shelter, and subjecting an animal to needless suffering. PC Section 599b clarifies that such cruelty includes "every act, omission, or neglect whereby unnecessary or unjustifiable physical pain or suffering is caused or permitted." Unlike similar statutes in other states, PC Section 597 does not contain an animal husbandry exemption; therefore, the statute protects animals raised in commercial operations.

Furthermore, PC Section 597e makes it a crime to hold a domestic animal in confinement without providing the animal with sufficient food and water. This same section provides a legal defense against the claim of trespass to anyone who enters the area where the domestic animal is confined for the purpose of providing food and water.

B. DxE investigated commercial operations and reported animal cruelty law violations, and officials took no action.

Prior to any of the actions leading to the present prosecution, DxE extensively investigated commercial operations in California. DxE drafted a letter (see Attachment 1) that documents animal cruelty at fourteen different facilities in California. For example, the letter links to a video taken at Sunrise Farms (an egg farm in Sonoma County, California, that shows chickens caught in wire cages, chickens with large untreated sores, and chickens whose dead bodies were left rotting among the living chickens.¹ There is a strong argument that these conditions violate PC Section 597, insofar as allowing animals to endure pain and suffering from injuries and disease to the point of death, without sufficient (or, apparently, any) veterinary intervention, constitutes an omission wherein "unnecessary or unjustifiable physical pain or suffering is caused or permitted."

¹ <https://www.dropbox.com/s/royue4eqdxvfa6z/B-Roll.mov?dl=0>

DxE circulated that letter to the California Department of Public Health, the California Department of Food and Agriculture (CDFA), the California Attorney General, the Sonoma County Sheriff, Petaluma Animal Control, Sonoma County Animal Services, the Petaluma Police Department, and the District Attorney in eight counties, among others, and followed up with each agency on numerous occasions. None responded to DxE's requests to meet or otherwise took any action to address the cruelty DxE documented.

In addition, agencies appear confused regarding which is responsible for reporting and investigating animal cruelty in commercial operations. To wit, the Sonoma Sheriff stated that it relies on the CDFA to report such animal cruelty; however, DxE submitted requests for any reports by the CDFA of animal cruelty shared with law enforcement for the last five years, and no such records exist. It is antithetic that, while California law strongly protects animals in commercial operations, no clear enforcement command for that law appears to exist. A letter DxE sent to the California Attorney General (see Attachment 2) provides additional color.

C. On the advice of counsel, DxE activists took action to address animal cruelty and rescued animals from dire circumstances.

In early May 2018, Hadar Aviram, a Professor of Criminal Law at UC Hastings College of Law, provided DxE a legal opinion asserting that, pursuant to the doctrine of legal necessity and PC Section 597e, a person could remove sick or injured animals in immediate need of medical care from a commercial facility. Bonnie Klapper, a former Assistant United States Attorney, provided a concurring opinion in May 2019. (See Attachment 3.) Based on those opinions, DxE conducted three mass actions.

On May 29, 2018, approximately 500 activists traveled to Sunrise Farms in Sonoma County. (Prior whistleblower footage from that facility is linked to in Section B above and in this footnote.)² While most remained on public property, others entered sheds and removed thirty-seven (37) birds and gave them veterinary care. The Sonoma County Sheriff arrived and removed the activists. Afterward, DxE, the Sheriff, and the owners of the farm attempted to negotiate a walk-through with all parties wherein the parties would identify and remove additional sick and injured birds. However, the farm owner refused to allow any cameras or media to be present. As a result, DxE decided against the walkthrough, and another forty (40) activists attempted to cross the Sheriff line. All were arrested. Videos of the entire action are included in these footnotes.^{3,4}

On September 29, 2018, approximately 120 activists traveled to McCoy's Poultry Services in Sonoma County, which supplies Perdue Foods and Amazon. (Prior

² <https://www.dropbox.com/s/royue4eqdxfv6z/B-Roll.mov?dl=0>

³ <https://www.facebook.com/directactioneverywhere/videos/1954095344620805/>

⁴ <https://www.facebook.com/directactioneverywhere/videos/1954369307926742/>

whistleblower footage from that facility is in this footnote).⁵ Fifty-eight (58) activists walked onto the property, approximately half of whom entered sheds, while the other half remained outside. The activists identified ten (10) birds who needed immediate medical attention and attempted to remove them, but the Sonoma Sheriff detained the activists. During the ensuing negotiation, a Sheriff lieutenant asked which bird was the sickest. The activists identified one, and the Sheriff allowed that bird and the activist carrying her to leave the property. The officers then arrested all fifty eight (58) other activists and confiscated the other nine (9) birds, ultimately delivering them to Sonoma County Animal Services.

The subsequent case report from Animal Services concluded that all nine (9) of the chickens were in poor health and unable to stand on their own. It noted numerous injuries, including one chicken with exposed muscle tissue and bone and listed the owner of the farm as a suspect in violation of California's animal cruelty statute.⁶ The full report is available as Attachment 4, and videos of the entire action are contained in the following footnotes.^{7,8}

On June 3, 2019, approximately 600 activists traveled to Reichardt Duck Farm in Sonoma County, California. (Prior whistleblower footage from that facility is in this footnote).⁹ A number of activists chained themselves to the front gate to temporarily halt slaughter operations, while others entered the facility and removed thirty-two (32) ducks they identified as injured. Eighty (80) activists were arrested. A video of the entire action is in this footnote.¹⁰

As a result of the above three actions, the Sonoma County District Attorney filed felony charges against six activists, ostensibly because it identified them as leaders of DxE, and misdemeanor charges against a number of other activists. The felony complaints for Ms. Ziegler and Mr. Frohnmayr are available as Attachment 5. (The complaint for the other four defendants is substantially similar.)

ENVIRONMENTAL SUSTAINABILITY

There are no direct identifiable opportunities for environmental sustainability associated with this item. However, the factory farming industry has been identified as one of the highest contributors of carbon emissions in the nation. The opportunity for consumers to be informed about the sourcing of their food may contribute to their ability to make

⁵ <https://www.dropbox.com/s/xg8albxnuacmghk/PP B-Roll v1.mp4?dl=0>

⁶ <https://www.dropbox.com/s/v3l307tviu6vptv/Condition of bird.png?dl=0>

⁷ <https://www.facebook.com/directactioneverywhere/videos/2198428473767005/>

⁸ <https://www.facebook.com/directactioneverywhere/videos/310795646317833/>

⁹ <https://www.dropbox.com/s/paflmw1n8hy0ur0/RDF VE 1.mp4?dl=0>

¹⁰ <https://facebook.com/directactioneverywhere/videos/308313510101155/>

consumer decisions that steer away from more carbon-intensive to more sustainable sources of food.¹¹

RATIONALE FOR RECOMMENDATION

The Peace and Justice Commission recommends adopting the resolution for a number of reasons.

The activists' actions raise fundamental questions regarding both the care of animals in commercial facilities and the enforcement (or lack thereof) of the state's animal cruelty laws, the consideration of which such questions are clearly in the public's interest. The actions received significant positive coverage among journalists; see, for example, Pulitzer-Prize winning journalist Glenn Greenwald discussing the Sunrise Farm Action on *Democracy Now!* in this footnote¹² and an interview by that outlet with two activists following the Reichardt action in this footnote.¹³ Beyond animal cruelty, furthermore, the actions raise other questions relevant for the public, such as the fact that, as noted in the above-mentioned Animal Services report, some of the deceased birds from DxE's second action were infected with reovirus. (For information on public health issues related to commercial animal operations generally, see Attachment 6.) The activists' actions were entirely nonviolent and caused relatively nominal economic damage. The activists have strong defenses outlined in the above-mentioned legal opinions, and they should not have to face felony charges and the possibility of significant harm to their futures to assert those defenses in court. The animal agriculture industry is a powerful interest group, and political considerations undoubtedly influenced the District Attorney's prosecutorial decisions.

For those reasons, the Peace and Justice Commission urges the Berkeley City Council to support the activists by adopting this resolution.

ALTERNATIVE ACTIONS CONSIDERED

A slightly different version of the resolution was previously sent to the Berkeley City Council. The resolution was modified following discussion with the Mayor and some members of the City Council.

CITY MANAGER

The City Manager takes no position.

¹¹ <https://insideclimatenews.org/news/22052017/factory-farms-cafos-threaten-climate-change-world-health-organization>

¹² <https://facebook.com/directactioneverywhere/videos/308313510101155/>

¹³ <https://facebook.com/directactioneverywhere/videos/308313510101155/>

CONTACT PERSON

Erin Steffen, Secretary, Peace and Justice Commission, (510) 981-7000

Attachments:

1. Resolution
2. 2018.03.18 DxE Letter to Authorities
3. 2019.07.09 DxE Letter to Attorney General
4. 2019.09.29 Animal Services Report
5. 2019.08.04 *NYT* Tainted Pork Article

Resolution in Relation to the Attempted Prosecution of Non-Violent Activists Who Attempt to Expose the Conditions of Animals in Factory Farms

- Whereas, it is a well-established scientific fact, as supported by 2,500 studies exploring animal cognition, that nonhuman animals have emotions, personalities, and the ability to feel pain, fear, and stress¹; and

- Whereas, an international group of prominent neurological scientists issued the Cambridge Declaration of Consciousness in 2012, stating that nonhuman animals are conscious beings capable of feeling emotional states such as pain, stating:

“The weight of evidence indicates that humans are not unique in possessing the neurological substrates that generate consciousness. Nonhuman animals, including all mammals and birds, and many other creatures, including octopuses, also possess these neurological substrates²; and

- Whereas, the public in California cares deeply about nonhuman animals raised in commercial operations, as evidenced by, among other things, the overwhelming passage of Proposition 12 in 2018, which established new standards for confinement of farm animals and banned noncomplying products; and

- Whereas, California’s animal cruelty statute, California Penal Code Section 597 et seq., does not contain an animal husbandry exemption and thus covers cruelty inflicted on nonhuman animals raised in commercial operations (“factory farms”); and

- Whereas, California Penal Code Section 597e makes it a crime to hold a domestic animal in confinement without providing the animal with sufficient food and water, and also provides a legal defense against the claim of trespass to anyone who enters the area where the domestic animal is confined for the purpose of providing food and water³; and

- Whereas, factory farms routinely violate California’s animal cruelty statute in numerous ways, including forcing nonhuman animals to live their whole lives in dirty,

¹ <https://www.livescience.com/39481-time-to-declare-animal-sentience.html>

² <http://fcmconference.org/img/CambridgeDeclarationOnConsciousness.pdf>

³ “Any person who impounds, or causes to be impounded in any pound, any domestic animal, shall supply it during such confinement with a sufficient quantity of good and wholesome food and water, and in default thereof, is guilty of a misdemeanor.”
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=597e

overcrowded sheds, and allowing them to die of thirst or hunger when they are too sick or injured to reach food or water; and

- Whereas, factory farms pose a significant threat to human health, including by cultivating antibiotic-resistant bacteria that contaminate the food supply; and
- Whereas, factory farms pose a significant threat to the environment, including by emitting significant quantities of greenhouse gases and producing large amounts of manure that seep into waterways and threaten ecosystems; and
- Whereas, consumers care deeply about nonhuman animals and are often willing to pay a significant premium to purchase animal products from suppliers they believe have treated animals humanely; and
- Whereas, companies that supply animal products routinely portray their treatment of nonhuman animals in a substantially more favorable light than the reality; and
- Whereas, little or no enforcement of California's animal cruelty statute occurs with respect to nonhuman animals raised in commercial operations; and
- Whereas, peaceful activists have attempted to bring violations by factory farms of California's animal cruelty statute to the attention of the public as well as law and regulatory enforcement agencies, including video and photographic evidence of animals caught in wire cages and left with large, untreated sores; and
- Whereas, those activists have been arrested while trying to document the conditions of factory farms and rescue nonhuman animals therein from disease, thirst, and starvation; and
- Whereas, six activists, including five Berkeley residents, presently face felony charges in Sonoma County in connection with those investigations and rescues; and
- Whereas, investigating the conditions of factory farms and exposing abuses to the public and to law enforcement, and rescuing nonhuman animals who are diseased, starving, and thirsty, raises consciousness regarding the plight of nonhuman animals as well as the impact of factory farms on human health and the environment;

Now, therefore, be it resolved, that the Berkeley City Council

- (1) holds that the six individuals being prosecuted in Sonoma County are non-violent activists who were investigating and attempting to expose the abuses of nonhuman animals in factory farms;
- (2) encourages the Sonoma County District Attorney to dismiss such prosecution or exercise leniency, and to devote the resources that could be saved from these actions to instead investigate and prosecute animal cruelty in commercial animal operations in Sonoma County;
- (3) encourages law and regulatory enforcement agencies in California, including the California Attorney General and the California Department of Food and Agriculture, to investigate and prosecute animal cruelty in commercial animal operations that supply stores throughout California;
- (4) urges the California State Legislature to pass laws expanding the protection of nonhuman animals raised in commercial operations from abuse; and
- (5) affirms the commitment of the Berkeley City Council to the protection from all suffering and harm of all animals both within Berkeley and around the world.

March 19, 2018

Re. Violations of CPC Section 597 and Division 20, Chapter 13.8

To Whom it May Concern:

I am writing to you as a concerned resident of California representing hundreds of others who feel similarly. We have documented a pattern of criminal animal abuse at concentrated animal feeding operations (CAFO) across the state of California. Veterinary experts have reviewed our documentation and concluded that our findings do, in fact, constitute a violation of law, including California Penal Code Section 597 and Division 20, Chapter 13.8 of the state Health and Safety Code.

The following are some of the findings that substantiate our concerns:

- Animals routinely denied necessary sustenance, drink, or shelter
 - [An investigation into Zonneveld dairy farm](#), a Land O'Lakes supplier in Fresno County, revealed that calves were routinely left isolated in small hutches without protection from the elements
 - Hens found starving and unable to reach food at a [cage-free egg farm](#) in Stanislaus County
 - Animals held inside small cages without food or water at an [Alameda County slaughterhouse](#)
 - Animals collapsed on the ground in transports cages at [Petaluma Poultry in Sonoma County](#)
- Animals cruelly beaten, mutilated, killed, and subjected to other practices causing needless suffering
 - [Debeaking of birds](#) as well as [birds who are never given outdoor access](#) at many farms, including at Pitman Family Farms ("Mary's Chicken") in Fresno County, Kings County, Tulare County and Madera County despite false-claims of "free-range environments".
 - Untreated injuries and disease, intensive confinement and tail docking at [Hormel's Farmer John](#) pig farm in Kings County
 - Calves left untreated while suffering from pneumonia and [covered in feces and maggots](#) in Fresno County
 - [Improper stunning and inhumane handling](#) of pigs at Clougherty Packing LLC in Los Angeles County
- Egg farms from numerous counties confining animals in manners that prevent them from lying down, standing up, fully extending their limbs, and turning around freely.
 - Single barns housing over [34,000 birds](#) at [Rainbow Farms](#) in Stanislaus County
 - Hens [caught in wire cages](#) at [Sunrise Farms](#) in Sonoma County
 - Birds trampled to death at [Pleasant Valley Farms](#) in San Joaquin County
 - Continued use of intensely confining cages at [JS West](#) in Stanislaus County
 - Hens piled on top of each other at [Petaluma Farms](#) in Sonoma County

- While many of these facilities are nominally cage-free, if animals are not able to spread their wings for the majority of each day, the facility is in violation of California law.
- These findings have been covered by mainstream media including [The Wall Street Journal](#), [The New York Times](#), and [ABC News](#).

This is only a sampling of the criminal animal cruelty we have documented and we are able to provide more evidence upon request. Based on the frequency of these incidents, it is reasonable to believe many more violations go unnoticed and unreported. The vast majority of Californians do not want to harm animals. Consumers are being misled into purchasing products that do not reflect their values. Our aim is to give citizens of California right to know what is currently happening in the animal agriculture industry to make informed decisions for ourselves and our families.

We respectfully request action to end these documented violations of law and a commitment to greater transparency in both the enforcement of these provisions and in the cruelty that occurs in CAFOs across the state. Please let us know if you can meet to discuss our findings.

Sincerely,

Almira Tanner, on behalf of
Compassionate Bay
www.compassionatebay.org

July 9, 2019



Jonathan D. Frohnmayer
Organizer and Counsel
Direct Action Everywhere
P.O. Box 4782
Berkeley, California, 94704

Via Electronic Transmission and In-Person Delivery

The Honorable Xavier Becerra
Attorney General, State of California
1300 I Street
Sacramento, CA 95814

With a Copy to:

The Honorable Gavin Newsom
Governor, State of California
1303 10th Street, Suite 1173
Sacramento, CA 95814

Re: Systemic Non-Enforcement of Violations of California Penal Code Section 597

Dear Attorney General Becerra:

California's animal cruelty laws broadly protect animals raised in commercial operations. However, Direct Action Everywhere (DxE), a non-profit organization dedicated to advancing the interests of all animals, as well as its affiliated entities and individuals, including Compassionate Bay, have documented longstanding and systemic criminal animal cruelty. We have attempted for over a year to engage law and regulation enforcement agencies to address it, and those agencies responsible have failed to take any action against the abusers. We implore the California Attorney General to effectuate the will of the people to protect animals from cruelty.

This letter summarizes (A) California's animal cruelty statute; (B) our findings of animal cruelty and unsuccessful efforts to bring those findings to the attention of appropriate law and regulatory enforcement agencies; (C) an instance where, as a result of actions by DxE, a county veterinarian documented animal cruelty by a commercial animal operation in a report that was forwarded to the District Attorney, who then began prosecuting DxE activists rather than the commercial animal operation; (D) correspondence with government officials, as well as the results of public records requests, that demonstrate a lack of internal clarity or procedures among agencies on how animal cruelty in commercial operations is investigated or enforced; and (E) our

recommendations to the Attorney General to begin addressing the foregoing issues, which we hope to discuss in person.

We do not intend for this letter to shame or embarrass the agencies and individuals discussed herein. We recognize that systemic issues involving the under-enforcement of animal cruelty laws have existed for a significant length of time and cannot be reasonably attributed to the level of competence or character of any agency or individual. Rather, we intend to illustrate those issues with the sincere hope that California's executive branch can deliver accountability as well as equal protection and enforcement of the law, perhaps with assistance from animal advocates.

A. California law broadly prohibits animal cruelty.

California Penal Code Section 597 addresses various forms of animal cruelty. It makes criminal conduct on the part of a person who intentionally and maliciously maims, mutilates, tortures, wounds, or kills an animal. Examples of punishable conduct are overdriving, overloading, overworking, torturing, depriving of necessary food, water or shelter, and subjecting an animal to needless suffering or inflicting unnecessary cruelty upon an animal. PC Section 599b clarifies that “the words ‘torment,’ ‘torture,’ and ‘cruelty’ include every act, omission, or neglect whereby unnecessary or unjustifiable physical pain or suffering is caused or permitted.”

Further, California Health and Safety Code Section 25990, added after California voters approved Proposition 2, criminalizes conduct in which a person tethers or confines a farm animal for all or the majority of any day in any manner that prevents the animal from lying down, standing up, fully extending his or her limbs and turning around freely.

Finally, California Penal Code Section 597e makes it a crime to engage in conduct on the part of a person who holds a domestic animal in confinement without providing the animal with sufficient food and water. This same section provides a legal defense against the claim of trespass to anyone who enters the area where the domestic animal is confined for the purpose of providing food and water. In essence, PC Section 597e provides a justification defense to a charge of trespass if the reason for the trespass is to provide care in the way of food and water to animals who need it.

Unlike in other states, California's animal cruelty statute does not contain an animal husbandry exemption. While California Penal Code Section 599c states that PC Section 597 should not be construed “to interfere with the right to kill all animals used for food,” PC 599c does not affect the general prohibition of unnecessary cruelty to animals. California's animal cruelty statute therefore differs substantially from the animal cruelty statutes of many other states that do so for farmed animals. By contrast, see, for example, Utah Criminal Code Section 76-9-301(1)(b)(ii)(C), which states, “‘Animal’ [as used in the section of the Utah Criminal Code dealing with cruelty to animals] does not include livestock, if the conduct toward the creature, and the care provided to the creature, is in accordance with accepted animal husbandry practices or customary farming practices.”

B. DxE has delivered evidence of violations of California’s animal cruelty statute by commercial animal operations to enforcement agencies that have taken no action in response.

Since 2013, DxE has investigated commercial animal operations throughout California (and elsewhere) and documented instances of conduct that violate PC Section 597. We drafted a letter (see [Attachment 1 - AC Letter](#)) that documents animal cruelty at fourteen different commercial facilities in California, noting that those were only a sample of the instances of cruelty we documented. For example, the letter links to a video taken at Sunrise Farms (available [here](#)), an egg farm in Sonoma County, California, that shows chickens caught in wire cages, chickens with large untreated sores, and chickens whose dead bodies were left rotting among the living chickens. There is a strong argument that these conditions violate PC 597, insofar as allowing animals to endure pain and suffering from injuries and disease to the point of death, without sufficient (or, apparently, any) veterinary intervention, constitutes an omission wherein “unnecessary or unjustifiable physical pain or suffering is caused or permitted.”

On or closely following March 19, 2018, we delivered that letter to, among others, the following agencies:

- The California Department of Public Health - Food and Drug Division,
- The district attorney in eight counties, including Sonoma County,
- The California Attorney General,
- The Sonoma County Sheriff,
- Petaluma Animal Control,
- Sonoma County Animal Services, and
- The Petaluma Police Department.

We then followed up with those agencies on a number of occasions but never received any commitment to investigate animal cruelty. For example:

- We wrote to the **Sonoma County Sheriff** on April 10, 2018 and April 23, 2018. On September 6, 2018, we met with representatives of the Sonoma County Agricultural Commissioner, the Sonoma County Counsel, Sonoma County Animal Services, the Agricultural Crimes Unit, and the Sonoma County Sheriff to discuss our findings. The representatives of those agencies stated that it was their understanding that local commercial animal operations were regulated and followed industry standards. We responded, however, that industry standards were not dispositive on the question of legality. We requested that the county inspect commercial animal operations and allow a representative from DxE familiar with animal care to accompany them to ensure compliance with California’s animal cruelty laws. However, the representatives stated that while they appreciated our perspective, they would not be able to take any action. See [Attachment 2 - DxE and Sheriff](#).

Subsequent interactions with the Sonoma County Sheriff are described in **Section D** below.

- We wrote to the **Sonoma County District Attorney** on March 19, 2018, April 6, 2018, July 26, 2018, and October 17, 2018, in each case without receiving a commitment to address our concerns. On January 31, 2019, Doug Moeller, a long-time Sonoma County resident, wrote to the DA to request a meeting to discuss animal cruelty matters. He did not receive a response, and he resent his request on February 4, 2019. He also visited the DA's office but was turned away. Having still not received a response, Mr. Moeller wrote again on February 8, 2019, expressing dissatisfaction, and again visited the DA's Office. Later that day, the DA wrote back, stating, "I have reviewed your emails, and requests for a meeting. I don't discuss pending cases with anyone other than the attorneys representing those who are charged. I am aware of your concerns regarding animal abuse and can assure you that we are looking at all aspects of this matter." Mr. Moeller responded on February 11, 2019 clarifying that he was not asking about any ongoing criminal cases, but rather about animal cruelty in Sonoma County and collusion between government and local agribusiness. He did not receive a response. DxE reached out further on April 10, 2019, and May 4, 2019, noting that we had obtained additional evidence about animal cruelty, again without receiving a reply. See [Attachment 3 - DxE and DA](#).
- We wrote to the **California Department of Food and Agriculture** on March 19, 2018. On March 29, 2018, the CDFA responded, "the Shell Egg Food Safety program reviewed its records and found that all five of the organizations you referenced are inspected annually and have been in compliance with California Code of Regulations since 2015." The CDFA also noted, "the [Health and Safety Code] requirements are enforced by local enforcement agencies." (But see discussion in **Section D** below, which summarizes a conversation where the Sonoma County Sheriff states that they "need to rely on the CDFA to report anything they see" to investigate animal cruelty.) Furthermore, while DxE's letter explicitly stated that it concerned violations of both the California Penal Code and the Health and Safety Code, the CDFA's response letter mentioned only the latter and did not address our concerns regarding violations of PC 597. See [Attachment 4 - DxE and CDFA](#).
- We wrote to **Petaluma Animal Shelter** on April 11, 2018 and April 23, 2018 without receiving a response. On May 8, two members of DxE visited Petaluma Animal Shelter in person and hand-delivered the March 19, 2018 letter referred to above to a senior staff member there. Petaluma Animal Shelter later redirected us to North Bay Animal Services, which we contacted on July 26, 2018. On August 10th, 2018, we contacted Kevin Davis, an officer of **Sonoma County Animal Services**, directly. On August 15, 2018, we sent video evidence to Mr. Davis in response to his request for the same and did not receive a response. On May 25, 2019, we again contacted Mr. Davis and again did not receive a response. See [Attachment 5 - DxE and SCAS](#).
- We wrote to the **Petaluma Police Department** on April 10, 2018. The department responded that it had no records of animal cruelty reports in commercial operations: "[I]n the City of Petaluma, Animal Control is not organizationally within the Petaluma Police Department. The Petaluma Animal Services Foundation employs the Animal Control

Officers, who are responsible for inspecting properties where livestock are maintained and issuing permits to those businesses. I've searched our police reports for the past five years and found no 597PC reports involving livestock." See [Attachment 6 - DxE and Police](#).

C. As a result of DxE actions pursuant to PC 597e, a veterinarian from Sonoma County Animal Services documented cruelty at a commercial animal operation, and no government action was taken in response.

On September 29, 2018, DxE activists attempted to provide care to nine sick and injured hens at McCoy's Poultry Services in Sonoma County, California, which included removing hens who did not have the ability to stand to reach food and water on their own. Sonoma County authorities arrested 58 individuals. All of the birds were ripped from activists' arms with one exception, as police gave explicit permission for activists to take out "the worst one." This one hen was carried out by an activist who was not arrested. DxE's actions were supported by a legal opinion by Hadar Aviram, a Professor of Criminal Law at UC Hastings College of Law; earlier this year, Bonnie Klapper, a former Assistant United States Attorney, offered another opinion concurring with Professor Aviram's opinion. [See Attachment 7 - Legal Opinions](#).

The case report from Sonoma County Animal Services concluded that all nine of the chickens who were taken from activists were in poor health and unable to stand on their own. It [noted](#) numerous injuries, including one chicken with exposed muscle tissue and bone and another with a severely deformed leg. For six chickens, the report stated, "Bird vocalizes in distress with manipulation of hocks and stifles." The case report [listed](#) Robert Shawn McCoy as a suspect in violation of PC 597(b) ("Person having charge or custody of any animal, either as owner or otherwise, and subjects such animal to needless suffering and fails to provide proper care and attention.") See [Attachment 8 - Report](#).

Sherstin Rosenberg, a licensed veterinarian in California and founder of Happy Hen Animal Rescue in California, where she has provided individualized care to hundreds of chickens, reviewed the case report and explained the significance of its findings, in particular that the birds' empty crops and low gait scores suggest these birds did not have access to food or water in the barn. See [Attachment 9 - Exam of Report](#).

Despite the fact that the report was forwarded to the Sonoma County District Attorney, no action has been taken to investigate the farm, to the best of our knowledge.

D. Public records and inter-agency discussions demonstrate lack of clarity among state officials concerning animal cruelty law enforcement.

We have also inquired whether and how government agencies investigate animal cruelty in commercial operations. Those efforts have demonstrated that (1) confusion exists among law enforcement and regulatory authorities regarding where responsibility for reporting and investigating animal cruelty lies; and (2) to the extent any policy exists, it has apparently not yielded a single investigation of animal cruelty in commercial operations.

Mr. Moeller, the Sonoma County resident mentioned in **Section B** above, met with the Sonoma County Sheriff on March 14, 2019 to discuss reporting procedures. Mr. Moeller was told that the CDFA was the appropriate agency to which animal cruelty should be reported and was the agency charged with enforcing animal cruelty laws, not the Sheriff. The Sheriff promised to follow up to provide a reporting procedure. However, Mr. Moeller subsequently contacted the CDFA, which told him that they had no jurisdiction over animal welfare and would not commit to reporting animal abuse if they themselves saw it.

On April 11, 2019, Assistant Sheriff Jim Naugle emailed Mr. Moeller following his conversation with the CDFA. Assistant Sheriff Naugle noted that confusion existed regarding which agency is responsible for investigating animal cruelty reports on farms, saying, “In regards to the investigation itself, it is clear the state believes Animal Control is the proper authority, which is our position as well. However, I know there has been some conflicting information in this regard, so I have set a meeting with them in early May.”

On May 13, 2019, Assistant Sheriff Naugle again emailed Mr. Moeller following his conversation with Animal Control. He clarified that the reporting procedure is as follows: “If the CDFA Animal Welfare inspectors find evidence of animal cruelty, they will report it to the local Animal Control Office. Our Animal Control officers will then reach out to us to assist them with the investigation. . . . Because of the heavily regulated nature of these facilities, we will still need to rely on the CDFA to report anything they see.” See [Attachment 10 - Sheriff Emails](#).

Recall, however, the discussion in **Section B** above of the letter the CDFA sent to DxE, where the CDFA stated, “[Health and Safety Code] requirements are enforced by local enforcement agencies.” The Sonoma County Sheriff and the CDFA have both appeared to task the other with responsibility for this issue, and we speculate that a similar diffusion of responsibility exists with law enforcement in other counties. Furthermore, we subsequently sent public records requests to the CDFA for any reports of animal cruelty shared with any animal control office, any district attorney, or the Attorney General. The CDFA informed us that they had no record of any such reports. See [Attachment 11 - CDFA Records](#).

Therefore, not only has confusion existed among local law enforcement and the CDFA regarding animal cruelty in commercial operations, but the current stated procedure has not yielded a single instance of an investigation of the same. It is antithetic that California voters passed laws to criminalize animal abuse, yet there is no clear enforcement command, and not a single sanction has occurred to date.

E. We recommend the Attorney General take specific actions to address these issues.

Based on the foregoing, we respectfully ask the Attorney General to (1) study the conditions in which animals in California’s commercial operations are held and make recommendations as to how to improve those conditions, including enforcement mechanisms, inspections, and timelines; (2) establish an inter-agency task force to clarify and streamline reporting mechanisms for animal cruelty violations in commercial operations; and (3) establish a

department whose mission is to protect animals in commercial operations and investigate and prosecute cruelty and mistreatment allegations, either by itself or in concert with other agencies.

We would like to discuss these recommendations in person and hereby renew our request for an audience with the Attorney General or another member of the California Department of Justice. We believe that any policy regarding animals in commercial animal operations should be made in consultation with veterinarians who do not have financial ties to any such operations, and we are eager to facilitate such consultation with the Attorney General.

Finally, we note that animal advocates have worked successfully with law enforcement in other states to implement solutions to this issue. For example, since 2013, the Animal Legal Defense Fund has funded an Animal Cruelty Deputy District Attorney in Oregon that represents that state in animal cruelty cases. We would be eager to work in concert with the Attorney General and other animal advocacy organizations to fashion a similar position, or class of positions, in California.

Thank you very much for your consideration.

Sincerely,

Jonathan D. Frohnmayr

CASE REPORT

SONOMA COUNTY ANIMAL SERVICES

1247 Century Court, Santa Rosa, CA 95403 (707) 565-7100 Fax: (707) 565-7112

Classification: California Penal Code 597 – Cruelty Against an Animal.
(Felony/Misdemeanor)

California Penal Code 597.1 – Not Providing Property Care and Attention
to an Animal (Misdemeanor)

Case No.: 18-09-15

Date of Incident: 09/29/18

Location of Incident: 120 Jewett Road, Petaluma, CA, 94952

Investigating Department: Sonoma County Sheriff Department

Business Address: 2796 Ventura Avenue, Santa Rosa, CA, 95403

Suspect: Robert Shawn McCoy

Residence Address: 120 Jewett Road, Petaluma, CA 94952

Driver's License: N7987462

DOB: 10/21/1960

Breed: 15 Chickens (9 live and 6 dead)

Narrative: On 09/29/18 at approximately 1400 hours, I, Officer Dengler, received a call from Supervising Animal Control Officer Davis. He stated that the Sheriff's Department is requesting assistance at 120 Jewett Road, Petaluma, pertaining to a protest at a chicken farm.

At approximately 1410 hours, I arrived at 120 Jewett Road, Petaluma. I was met by Sonoma County Sheriff Sergeant Buchignani. Sergeant Buchignani stated that there are 2 groups of protesters that have entered the property and removed some chickens. Sergeant Buchignani also stated that there are about a dozen chickens (some alive and some dead) that were removed from the facility and the protesters are holding most of the chickens.

I observed 2 groups of protesters (one at the base of the driveway and one about a 100 yards up the driveway). There were numerous protesters across the street from the property.

I contacted Officer Foster and requested his assistance. Officer Foster arrived at about 1445 hours. Officer Foster pulled his truck into the driveway.

Officer Foster and I were advised by Sergeant Buchignani that, as the deputies place the protester in custody, we were to take custody of the chickens that some of the

protesters were holding. Although the protesters were asking what is going to happen to the chickens and did not willingly relinquish the chickens, the only conversation between myself and the protesters was to request that the protester hand me the chicken. Officer Foster and I took custody of the chickens and loaded them into Officer Foster's truck.

I went to the top of the driveway (where the group of protesters were standing) and located 5 dead chickens on towels. I took custody of the dead chickens and loaded them into Officer Foster's truck.

It should be noted that neither Officer Foster nor myself did not entered the property or any structure on the property. I also did not observe any other chickens on the property, other than the chickens that the protesters were holding and the dead chickens on the towel.

Officer Foster completed a notice of impound and obtained the property owner's signature (Robert McCoy). On the notice of impound, Officer Foster had a count of 8 live chickens and 6 dead chickens.

I contacted Supervising Animal Control Officer Davis. He stated that a veterinarian would meet us at the shelter to examine the chickens.

At approximately 1645 hours, we arrived at the Sonoma County Animal Shelter. About 15 minutes later, DVM [REDACTED] arrived with a veterinarian technician.

One at a time, I removed each of the live chickens from Officer Foster's truck. I took a picture of each bird and placed the bird into individual carriers. The carriers were placed in a manner that the chicken's picture would be matched to DVM [REDACTED] examination notes (Pictures are on the attached CD). Upon removing the chickens from Officer Foster's truck, I realized that there were 9 live chickens and 6 dead chickens.

After DVM [REDACTED] examination, she spoke to Sonoma County Animal Shelter [REDACTED] on the telephone. According to DVM [REDACTED] they agreed that, due to the condition of the chickens, all but one of the chickens are to be humanely euthanized.

Two Sonoma County Veterinarian Technicians placed the one chicken in the veterinarian room at the shelter. They then humanely euthanized the other 8 chickens.

Officer Foster removed the dead chickens and took pictures of them (Pictures are on the attached CD). DVM [REDACTED] did an examination of the dead chickens.

The 6 dead chickens and the 8 euthanized chickens were individually bagged, marked, and placed into the freezer as evidence.

On 10/04/18, I called DVM [REDACTED]. She stated that she has completed her report and that it could be picked up at [REDACTED]. I arrived at [REDACTED] and obtained DVM [REDACTED] report (See attached report).

According to Supervising Animal Control Officer Davis, the Sonoma County Animal Care and Control Veterinarian (DVM [REDACTED]) examined the chickens (See attached report).

According to Supervising Animal Control Officer Davis, all of the chickens were transported to University of California, Davis (UC Davis). The UC Davis Veterinary Medicine Department performed a necropsy on all of the chickens (See attached report).

Recording Officer: R. Dengler	Badge No.: 509	Date: 09/29/18
Supervisor Approving: K. Davis <i>K. DAVIS</i>	Badge No.: 512 <i>#512</i>	Date: 09/29/18 <i>10-18-18</i>

Supporting Evidence:

Attachments Include:

1. Copy of the Notice of Impound completed by Officer Foster, signed by Mr. McCoy.
2. CD with the pictures of the chickens.
3. Copy of DVM [REDACTED] examination report.
4. Copy of DVM [REDACTED] examination report.
5. Copy of the UC Davis Preliminary report.

SONOMA COUNTY
ANIMAL CARE AND CONTROL
1247 Century Court
Santa Rosa, CA 95403-2810
Phone (707) 565-7100, Fax (707) 565-7112

NOTICE OF IMPOUNDMENT

On 9-29-18 at 1550 a 8 live chickens, 6 dead chickens Lic. # _____
Date Time Description

was impounded from property at 120 Jewett Rd, Petaluma CA
Address or Location

If this animal belongs to you or is in your custody, it can be redeemed at the Sonoma County Animal Shelter,

Note: This animal will be held for four working days. If not claimed, it may be put up for adoption or humanely destroyed.

The above described animal(s) was/were impounded for the following:

- To protect the public health, safety and welfare.
- To protect an animal which is injured, sick or starving and must be cared for.
- To protect an animal from injury which has strayed onto public property or right-of-way.
- To protect domestic animals.

If you feel the animal(s) was/were impounded in error, or you disagree with the impoundment, you may request a hearing by personally delivering a written request, within seventy two (72) hours after this notice was served, to the address above.

Robert Shawn McCoy J. Foster #520
Accepted by Animal Care and Control Officer
 9/30/08 Robert Shawn McCoy DL# N7987462

Poultry examined 9/29/2018 (251-3) Sonoma County Animal Services (251) (707)
565-7100

POULTRY CHICKEN 8 Wks. 5 Days Undetermined 3.1 pounds (9/29/2018)

BRIEF EXAM/ NOTES:

BRIEF EXAM/ NOTES:

To Whom It May Concern:

I [REDACTED] was called to examine several chickens that were brought into the Sonoma County Animal Shelter by Animal Control Officers on Saturday afternoon of 09/29/2018 on an emergency basis. I am not a boarded Avian and Exotics Specialist or a Food Animal/Poultry Specialist. I am a general practitioner in Sonoma County who sees chickens as patients on a regular basis. I agreed to examine these birds for humane reasons as the staff veterinarian was unavailable.

A general summary of presented birds: There are nine living chickens which appear to be white broilers of around 7-8 weeks old, presented in single carriers. None are able to stand on their own and all are wet and soiled. All of these 9 birds appear stressed and are panting. There are 6 deceased birds which also appear to be white broilers in various states of decay presented in plastic bags. Each carrier or bag is labeled with a case number.

Individual exams of living birds following:

A377133 3.1lb White broiler, appears male. Alert and responsive. Eyes/ears/nares/oral cavity clean. Empty crop. BCS 5+/9 and unable to stand/bear weight on either leg with bilateral painful and widened hocks. Bird vocalizes in distress with manipulation of hocks and stifles. Ventral recumbent and unable to walk. Bilateral perosis. Ventrums are erythematous and wet. No open ulcers/lesions noted on feet or keel. NCC Animal Welfare Guidelines Gait Scoring #2

A377134 4.0lb White broiler, appears male. Alert and responsive. Eyes/ears/nares/oral cavity clean. Empty crop. BCS 5+/9 and unable to stand more than briefly. Ventral recumbent and unable/unwilling to walk. Bilateral widened and painful hocks, worse on the left. Left leg is deviating/rotating laterally at the hock and stifle. Bird vocalizes in distress with manipulation of hocks and stifles. Bilateral wing tip trauma, purple bruising and broken blood feathers. Left wing: most of ventral aspect is missing skin and there is exposed muscle tissue and bone. This area is soiled, darkened, appears infected, and has necrotic smell. This wing is painful on exam. Ventrums are erythematous and wet. No open ulcers/lesions noted on feet or keel. NCC Animal Welfare Guidelines Gait Scoring #2

A377135 4.9lb White broiler, appears male. Alert and responsive. Eyes/ears/nares/oral cavity clean. Empty crop. BCS 5+/9 and unable to stand or walk. Right lateral recumbency. Unable to maintain sternal position. Right leg underneath bird, left leg extends laterally and caudally. Bilateral widened and painful hocks, worse on the left. Bilateral perosis. Bird vocalizes in distress with manipulation of hocks and stifles. Purple bruising and open sore on left wing tip. Ventrums and right side are erythematous and wet. No open ulcers/lesions noted on feet or keel. NCC Animal Welfare Guidelines Gait Scoring #2

A377136 1.3lb White broiler, unknown gender. Lethargic and depressed. Debris on head and face. Eyes clear when briefly opened. Empty crop. Pale comb. BCS 1/9 Emaciated. Left lateral recumbency. Unable to maintain sternal position. Severely deformed and twisted right leg. Right leg is held caudally and laterally. Bilateral widened and painful hocks. Bilateral perosis. Right stifle feels deranged. Ventrums and left side are erythematous and wet. No open ulcers/lesions noted on feet or keel. NCC Animal Welfare Guidelines Gait Scoring #2

A377137 3.2lb White broiler, unknown gender. BCS 4/9. Alert and responsive. Eyes/ears/nares/oral cavity clean. Empty crop. Sternal recumbency. Unable to stand/bear weight on either leg with bilateral painful and widened hocks. Bird vocalizes in distress with manipulation of hocks and stifles. Bilateral perosis. Bilateral wing tip bruising/purple discoloration on dorsal surface, with broken blood feathers. Ventrums are

Poultry examined 9/29/2018 (251-3) **Sonoma County Animal Services (251) (707)**

565-7100

POULTRY CHICKEN 8 Wks. 5 Days Undetermined 3.1 pounds (9/29/2018)
erythematous and wet. No open ulcers/lesions noted on feet or keel. NCC Animal Welfare Guidelines Gait Scoring #2

A377138 1.1lb White broiler, unknown gender. BCS 1/9. Depressed and lethargic. Eyes/ears/nares/oral cavity clear. Empty crop. Eyes are shut unless bird directly stimulated. Hunched posture with tail down. Ruffled feathers. Able to stand briefly and able to maintain ventral recumbent position. Appears to weak to walk. Biliary diarrhea, fecal staining under vent/tail. Possible coelomic mass (coelomic mass effect). Ventrums is erythematous and wet. No open ulcers/lesions noted on feet or keel. NCC Animal Welfare Guidelines Gait Scoring #2

A277139 3.7lb White broiler, appears male. BCS 5+/9 Alert and responsive. Eyes/ears/nares/oral cavity clean. Empty crop. Sternal recumbency. Unable to stand/bear weight on either leg with bilateral painful and widened hocks. Bird vocalizes in distress with manipulation of hocks and stifles. Bilateral perosis. Right wing is broken or dislocated at carpal joint. Right wing deviates ventrally and hangs loosely. Bird is painful in this area (vocalizes). Ventrums is erythematous and wet. No open ulcers/lesions noted on feet or keel. NCC Animal Welfare Guidelines Gait Scoring #2

A377140 3.1lb White broiler, unknown gender. BCS 5/9 Alert and responsive. Eyes/ears/nares/oral cavity clean. Empty crop. Sternal recumbency. Unable to stand/bear weight on either leg with bilateral painful and widened hocks. Right side much more painful than left, though appear grossly symmetrical. Bird vocalizes in distress with manipulation of hocks and stifles. Bilateral perosis. Left leg has deep full thickness scratches/lacerations on dorsal surface of left thigh. Wings appear normal. Ventrums is erythematous and wet. No open ulcers/lesions noted on feet or keel. NCC Animal Welfare Guidelines Gait Scoring #2

A377147 3.1lb White broiler, appears male. BCS 5+/9 Alert and responsive. Left side of face is soiled. Eyes/ears/nares/oral otherwise clean. Empty crop. Left lateral recumbency. Both legs are fully extended stiffly and caudally. Minimal to no ROM hocks/stifles. Unable to stand or remain sternal. Bilateral painful and widened hocks. Bird vocalizes in distress with manipulation of hocks and stifles. Bilateral perosis and possible stifle derangement. Wings appear normal. Ventrums and left side is erythematous and wet. No open ulcers/lesions noted on feet or keel. NCC Animal Welfare Guidelines Gait Scoring #2

All of living birds are in poor health and are in distress.

Individual exams of DOA birds following. Deceased birds were not weighed. Birds in advanced states of decay were not removed from bags due to gas and fluid accumulation within bag and contamination concerns.

A377146 White broiler. Unknown gender. Thin, BCS 2/9 Very thin. In rigor. Legs extended caudally. Green discoloration (appears to be biliary fecal contamination) on head. Body appears intact. Feathers and skin wet and erythematous. Appears recently deceased with no obvious external signs of decay.

A377142 White broiler. Unknown gender. Skin and musculature missing from almost entire ventrum. Bones of wings, keel, femurs exposed. Appears cannibalized or predated upon. Coelom appears intact. Advanced decay with purple to black tissues with significant drying of tissues. Likely deceased for several days.

A377145 White broiler. Appears male. Advanced decay with gaseous bloat. Body appears overall intact but has bones protruding through skin at stifles and wings on ventrum. Body is markedly distended with gas and is green and purple in color.

A377143 White broiler. Appears male. Appears recently deceased with intact body. BCS 5+/6 in rigor with legs caudally extended. Right eye is missing and ears, eyes, oral cavity is caked with debris (litter/feces). Green bruising on head and neck. Entire body is erythematous and wet.

Poultry examined 9/29/2018 (251-3) Sonoma County Animal Services (251) (707)

565-7100

POULTRY CHICKEN 8 Wks. 5 Days Undetermined 3.1 pounds (9/29/2018)

A377141 White broiler. Unknown gender. Advanced state of decay. Gaseous bloat with distended skin and extensive green/purple discoloration. Body appears grossly intact.

A377144 Unknown chicken breed. Extensive missing skin/musculature. Missing 1/2 of neck and entire head. Missing coelomic contents. Appears heavily cannibalized or predated. Remaining tissues are darkened, necrotic appearing and somewhat dry. Appears to have been deceased for many days.

[REDACTED]

10/2/2018 Brief Exam/Notes
[REDACTED] Final - 10/3/2018

[REDACTED]

Sonoma County Animal Services – Shelter Veterinarian –

Case Report – Animal # 377134

Agency: Sonoma County Animal Services

Address: 1247 Century Ct

Santa Rosa, CA 95403-8236

Phone: 707 565-7110

Officer: Justin Foster

Examining Veterinarian: Dr. [REDACTED]

Sonoma County Animal Care Veterinarian

Address: 1247 Century Ct

Santa Rosa, CA 95403-8236

Phone: [REDACTED]

Email: [REDACTED]

Subject of Exam: Animal # 377134

Date of Exam: 10/01/18

Route of Delivery: Brought in alive by animal control officer Roger Denglar

Materials Provided/Reviewed: Medical records of Dr. [REDACTED] who first examined this bird on 9/29/18. Necropsy Report from UC Davis.

History: On 9/29/2018, a group of animal rights protesters broke into a commercial poultry ranch in Petaluma, CA. The protesters removed approximately 15 chickens from the buildings/houses. The protestors were arrested by sheriff's deputies and our agency took

Sonoma County Animal Services – Shelter Veterinarian –

possession of 6 dead chickens and 9 live chickens. The 9 live chickens were examined by Dr. [REDACTED] on 9/29/18 and euthanized humanely. Complete report attached as an appendix to this case report.

Medical History: Examined by Dr. [REDACTED] on 9/29/18. Weighed at 4.0# then. Recorded as 8 weeks and 5d old. Complete report attached as an appendix to this case report.

Live Examination findings:

A physical examination was performed on the patient identified as Animal # 377134. This examination included weighing; listening to the heart and lungs with a stethoscope; examining the eyes, ears, beak, oral cavity, choana, crop; assessing the general body condition score of the patient; hands on palpation of the breast, keel, abdomen, plumage, skin, wings, legs, toes, cloaca(vent); visual examination for signs of trauma/injury, masses and visible parasites. The examination also included an assessment of the level of pain the patient was in, gait scoring and broiler paw scoring. Assessment of the extent of stress the patient was in, an assessment of the amount of time this patient had been in distress/suffering from injuries/disease and any evidence of treatment of the injuries/disease are also done. Photographs were taken throughout the examination.

Species: Avian

Type: Poultry, white broiler

Sex: Suspect female from physical exam of cloaca.

Approximate age: 9 weeks

Weight: 4.1 #

Presentation on arrival: Alive. Appears comfortable in kennel, good appetite and normal thirst. Droppings appear of regular color and consistency. Is able to weight bear and ambulate on both legs but appears reluctant to do so. No attempts to fly seen.

Identifying Features/Tags: No band number, microchip or other identifying mark is found.

BCS: 2 /3 (Utilizing the Purina body condition scale as illustrated in Appendix 3).

Hydration: Appears within normal limits

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Eyes: Clean and clear, no obvious discharge nor irritation of the corneal surface seen.

Ears: Clean and clear, no evidence of ectoparasites or discharge seen.

Beak: Intact, nares clean and clear, with no evidence of discharge seen.

Choana: Clean and clear.

Crop: Moderately full.

Auscultation: Heart - Heart rate is approximately 280 bpm with regular rhythm sounds.

Respiratory (Lungs and airsacs) - Respiration rate is within normal limits. The respiratory sounds are clear.

Abdominal Palpation: The abdomen is soft on palpation. There is no palpable masses/organomegally/free fluid.

Cloaca: Appears moist, slightly inflamed, some dried droppings is noted to be stuck to the surrounding feathers but is relatively clean. Suspected to be female, on exam of cloaca.

Musculoskeletal:

- **Neck/Spine/Pelvis** – regular anatomy on palpation, no obvious pain, able to hold head up well. The spine is prominent, but palpable pain or instability is apparent.
- **Pectoral muscle** - fair condition with BCS 2/3, a moderate fat layer between the muscle and skin layers is noted. The keel is prominent.
- **Wings** – the left wing is noted to be broken at the radial metacarpal joint, with bone exposure through the skin ventrally. The fracture(s) appear chronic in nature with secondary infection associated with exposure through the skin. The fracture appears very painful on palpation. Further wounds are noted on both shoulders dorsally with full thickness puncture wounds/abrasions. Trauma to both wing tips are also noted.
- **Legs** – Mild muscle atrophy is noted with both legs, both hocks are noted to be thickened and painful on palpation. The left leg more so than the right leg. While the chicken is able to walk, it is noted that it is ataxic and to spend the majority of time in kennel in a sternal sitting/laying position. **Gait scoring is noted as 1/2.**
- **Feet/Toes** – The ventral paws are slightly discolored with mild to moderate hyperkeratosis (thickening of the skin) and mild to moderate lesions/scabs noted on the footpads. **Broiler Paw Scoring is 1/2.**

Plumage (feather) / Skin Condition: The ventral plumage is absent symmetrically on either side of the sternum/midline. The remaining plumage there is broken, moist and covered with organic debris. The plumage around the cloaca is also coated with organic debris and the

Sonoma County Animal Services – Shelter Veterinarian –

[REDACTED]
[REDACTED]
[REDACTED]

associated skin is moist and inflamed. Feathers are also noted missing on the ventral and lateral neck and both thighs medially. Trauma to the wing feathers and skin are described above in the musculoskeletal section of this report.

Parasites: No evidence of ectoparasites are seen.

Treatment Plan Initiated: Physical exam findings discussed with [REDACTED] of Sonoma County Animal Services. Given the chronic trauma to the left wing and associated pain, as well as the poor body condition and thickening of the both hocks and associated pain, the decision is made to humanely euthanize. The chicken was euthanized on 10/01/18 at ~4.25pm by Animal Health Technician and Registered Veterinary Technician [REDACTED]
[REDACTED]

Samples Collected/Further Diagnostic Tests Ordered: Complete necropsy through UC Davis.

Necropsy Report:

Performed at UC Davis California Animal Health and Food Safety Laboratory. Received there on 10/02/18. Coordinator [REDACTED] DVM, PhD, Dipl. ACVP.

Gross Pathological Findings – Left inner wing open wound at the radial metacarpal joint which is ulcerative and is noted to have dark red-black crusting (likely hemorrhage and necrosis of the epidermis) surrounding the ulceration exposing the dermis. Tenosynovitis. Prominent Bursa of Fabricius. There is a small amount of crop and ventriculus contents composed of mash corn. Female with small inactive ova. Pale enlarged spleen. The liver is dark mahogany. On the dorsal capsule, there are 3 pale, gray-tinged irregularly-shaped foci measuring about 4x8 and 2x3 mm. These foci do not extend to the parenchyma. The cranial lobes of the kidneys are pale.

Histology Findings – Mild to moderate lymphocytic plasmacytic histiocytic epiraditis with occasional myocarditis. Severe necroulcerative dermatitis with dermal perforation (perforating injury presumptive). No significant infection is seen on histopathology.

Cultures:

Splenic swab - Staph. Hominis, considered a contaminant.

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Liver swab – No growth after 24h

Tendon Tissue – Reovirus - Indeterminate

Avian Virus Isolation – Tendon tissue, pending at time report is reviewed.

Additional Findings: 14 other birds were sent to UC Davis California Animal Health and Food Safety Laboratory. Of those birds it was noted that 9 birds had tenosynovitis and 3 of them have tested positive to Reovirus so far. None of these birds had gross lesions of arthritis/synovitis, however histopathology revealed the consistent lesions, and this may be the most contributing factor in these chickens not being able to move and stand up well. Most of the birds also had epicardial and myocardial inflammation, also typically associated with reovirus infections. Two of the “found dead” birds had severe coelimitis as the cause of death. Three of the six “found dead” birds were in an advanced state of decomposition and could not be evaluated.

Sonoma County Animal Services – Shelter Veterinarian –

Summary of findings:

Physical examination of the patient known as A 377134, was performed by myself, Dr [REDACTED] [REDACTED] BVSc, at Sonoma County Animal Services on 10/01/18. The patient is a white broiler hen of 9 weeks of age. The patients was found to have chronic painful fracture(s) and secondary infection to the left wing and thickened painful hock joints, both legs. The chicken was unable to walk properly. A 377134's body condition was 2/3, (as described in Appendix 2). A 377134's gait score was 1/2, (as described in Appendix 3). A 377134's broiler paw score was 1/2, (as described in Appendix 4).

The overall prognosis and quality of life for this chicken was found to be poor. The case was discussed with [REDACTED] who elected to proceed with humane euthanasia. The chicken was euthanized on 10/01/18 at ~4.25pm by Animal Health Technician and Registered Veterinary Technician [REDACTED]

The bird, along with 14 other chickens from same commercial poultry ranch in Petaluma, CA, were then sent to UC Davis California Animal Health and Food Safety Laboratory for necropsy (post mortem examinations).

Necropsy findings of A 377134 suggest infection with Reovirus as a likely cause of the inflammation and swelling in the legs and associated difficulty with walking. The abnormal findings in this bird's heart muscle are also suggestive of Reovirus.

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Conclusions:

In order to reach a conclusion in this case involving the patient known as A 377134, all the evidence collected during physical examinations, necropsy examination and previous medical records is taken into account. The Five Freedoms of Animal Welfare found in the Guidelines for Standard of Care in Shelter Animals, Body Condition Scoring System for Layer Hens by the International managers of the Livestock Production Programme, the US NCC Gait Scoring System for Broiler Chickens and the AAAP Broiler Paw Scoring Guide are also utilized.

The suspected Reovirus infection is known to be common in commercial poultry ranches. There is no cure, but live and killed vaccines are available. No information as been provided to me at this time as to whether or not the commercial poultry ranch these chickens came from vaccinate against this virus.

Of the Five Freedoms for Animal Welfare.

Freedom from discomfort and freedom to express normal behavior have not been assessed by myself.

No evidence of gross starvation/dehydration/malnutrition is seen. Nor is evidence of ectoparasites seen. This suggests that the freedom from hunger and thirst is likely met.

The associated pain of the chronic trauma to the left wing and the associated pain and difficulties with gait is most concerning. With no evidence of treatment of the broken wing and associated infection the freedom from pain, injury or disease and freedom from fear and distress are both considered unmet.

Date: 10/17/18

Sonoma County Animal Services – Shelter Veterinarian –

[REDACTED]

[REDACTED]

[REDACTED]

Appendix One - The Five Freedoms for Animal Welfare

- **Freedom from Hunger and Thirst**
By ready access to fresh water and diet to maintain health and vigor.
- **Freedom from Discomfort**
By providing an appropriate environment including shelter and a comfortable resting area.
- **Freedom from Pain, Injury or Disease**
By prevention or rapid diagnosis and treatment.
- **Freedom to Express Normal Behavior**
By providing sufficient space, proper facilities and company of the animal's own kind.
- **Freedom from Fear and Distress**
By ensuring conditions and treatment which avoid mental suffering.

Newberry, S., M.K.Blinn, P.A. Busby, C. Barker Cox, J.D. dinnage, K.F. Hurley, N. Isaza, W. Jones, L. Miller, J. O'Quin, G.J. Patronek, M. Smith-Blackmore, and M. Spindel. 2010. Guidelines for Standard of Care in Shelter Animals, p.10. Association of Shelter Veterinarians.

Sonoma County Animal Services – Shelter Veterinarian –

Appendix Two – Body Condition Scoring System for Layer Hens by the International managers of the Livestock Production Programme

Body Condition Scoring System for Layer Hens

The chicken is held by the legs in one hand, usually upside down. The palm of the other hand is then used for palpating and grading the protuberance of the keel (ie breast bone), the development of the breast muscles immediately alongside the ventral ridge of the keel, and the convexity or concavity of the breast muscle contour. A study by Gregory and Robins has demonstrated that this system of scoring has a good relationship with the bird's fat and muscle reserves.

Score	Characteristics
0	Prominent ridge on the keel with limited overall breast muscle and a concavity of the breast muscle alongside the keel
1	Greater development of breast muscle which is not concave and feels more or less flat. Keel still prominent.
2	Moderately developed convex breast muscle. Keel less prominent.
3	Well developed relatively plump breast. Smooth over the keel.

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Sonoma County Animal Services – Shelter Veterinarian –

Appendix Three – US NCC Gait Scoring System for Broiler Chickens

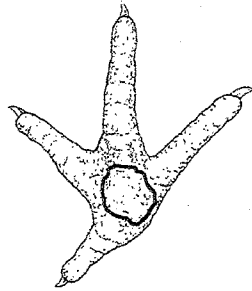
For most audits, the auditor will only watch the broiler and their movement. However if a “gait score” is required, the U.S. Gait Scoring technique is recommended (Gait Scoring in the Commercial Broiler. Office of Agricultural Communications, Box 9625, Mississippi State, MS 39762. (662) 325-2262).	No obvious signs of problems	Balance
Broilers may need to be gently encouraged to walk. If the broilers become stressed, especially in hot weather, discontinue scoring immediately	Obvious signs	Clear limp, awkward but can walk 5ft
Score 0 – Bird should walk at least 5 feet, and while the bird may appear ungainly, there are no visible signs of lameness.	Severe signs	Will not walk 5ft

- Refer to: <https://www.nationalchickencouncil.org/wp-content/uploads/2017/07/NCC-Welfare-Guidelines-Broilers.pdf>

Appendix Four - AAAP Broiler Paw Scoring Guide



Broiler Paw Scoring Guide



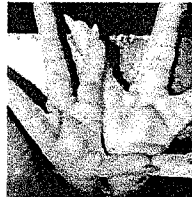
Paw scoring is an important part of welfare audits for broiler flocks. To optimize scoring accuracy & to minimize welfare concerns with handling broilers in the field, broiler paws should be evaluated in the processing plant to more precisely and efficiently assess the bottom of the foot. The paw includes the broiler foot pad (red circled area) and the toes.

At the processing plant, broiler paws should be assessed after the removal of the cuticle, or alternatively after paw cleaning. A random sample of 200 paws (representing 100 broilers) should be evaluated per flock and a pass or failure score should be assigned to each paw.

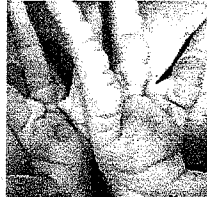
A result of 90% (or greater) of paws with a pass score is considered to be acceptable for animal welfare when evaluating broiler paws.

PASS (Score Criteria)

- Normal color* and skin
(*note, skin color may vary from yellow to white due to breed or diet)
- Slight discoloration or darkened skin
- Hyperkeratosis (thickening of skin)
- Lesion covering less than 1/2 of foot pad



Pass (washed paws with no lesions & normal skin color)



Pass (paws with no cuticle and normal skin color)



Pass (washed, post-scald paws with scab covering less than 1/2 the area of the foot pad)



Pass (paws with no cuticle & some color variation, healed skin and no ulcerations)

FAIL (Score Criteria)

- Erosions, ulceration, or scab formation that covers more than 1/2 of foot pad and may include the toes
- Hemorrhages or swelling of foot pad



Fail (washed paws)
Ulceration is present and lesion is more than 1/2 the area of the foot pad; lesions are also present on the toes

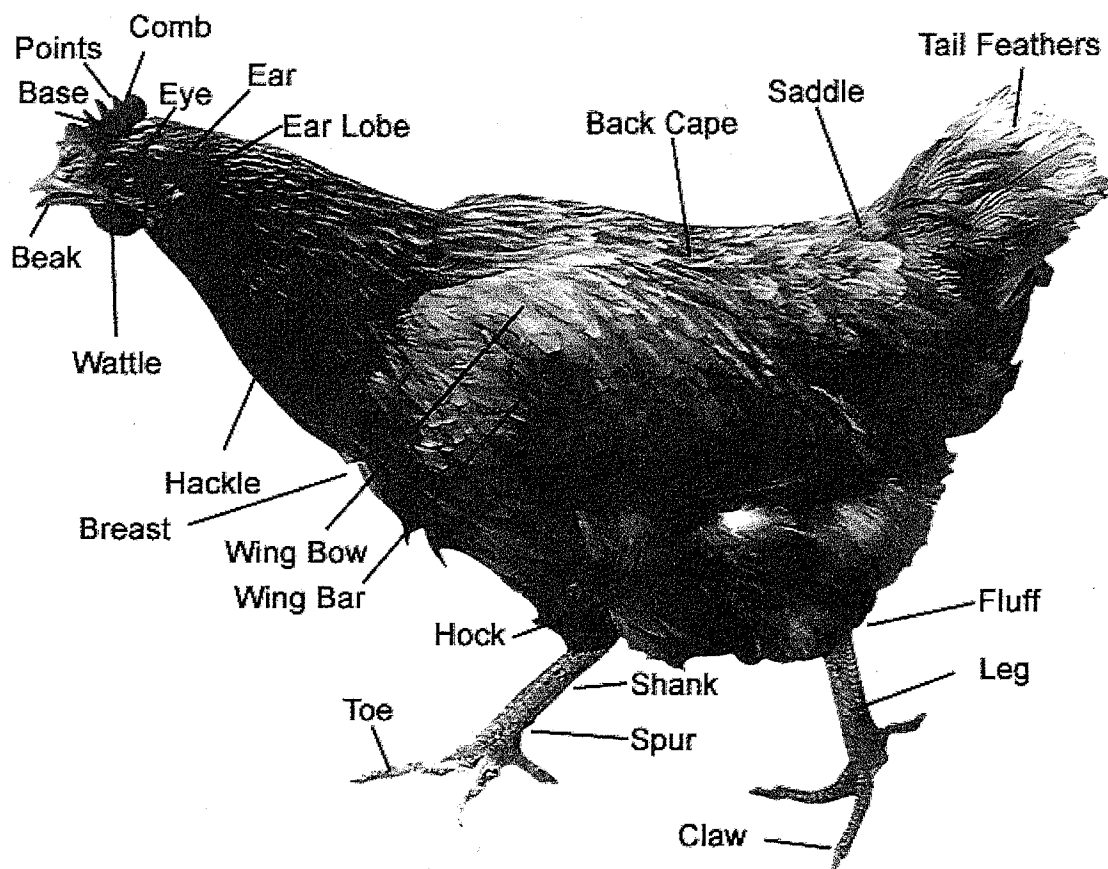


Fail (paws without cuticle)
Ulceration is present and the lesion is more than 1/2 the area of the foot pad. Swelling of the foot pad is also visible.

Produced by the AAAP Animal Welfare & Mgmt Committee, 2015

Refer to: <https://www.nationalchickencouncil.org/wp-content/uploads/2017/07/NCC-Welfare-Guidelines-Broilers.pdf>

Appendix Five – Anatomy of a chicken



Sonoma County Animal Services – Shelter Veterinarian –

[REDACTED]

[REDACTED]

[REDACTED]

Appendix Six – Photographs

Attached are printed copies of photos of A 377134.

These photos and those of the other 14 chickens involved in this case can be found on the Sonoma County Animal Services computers.

[REDACTED]

Sonoma County Animal Services – Shelter Veterinarian –

[REDACTED]

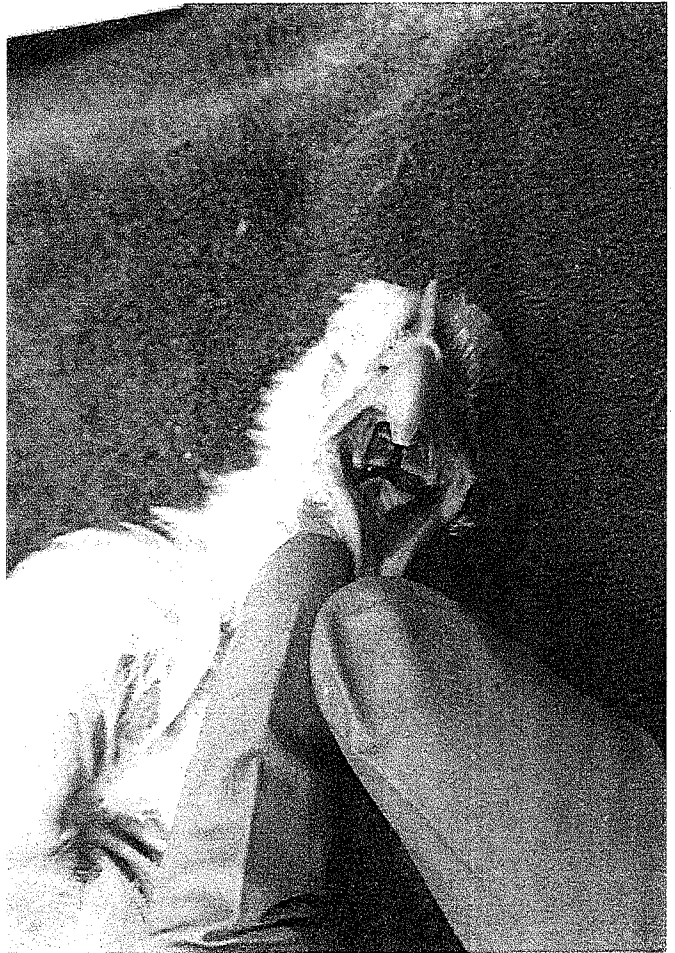
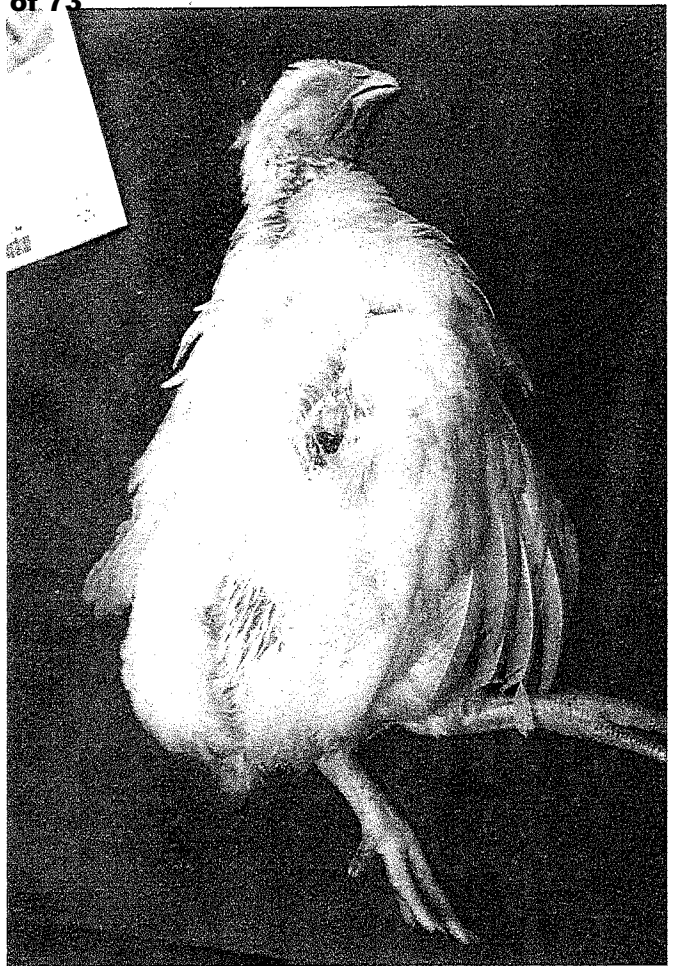
Appendix Seven - [REDACTED] Preliminary
Report

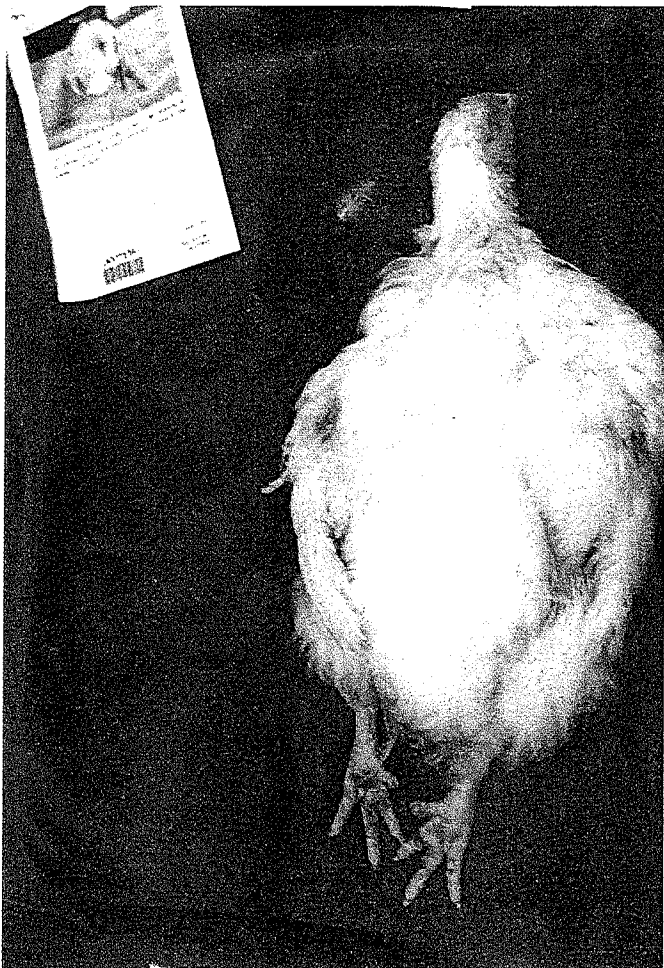
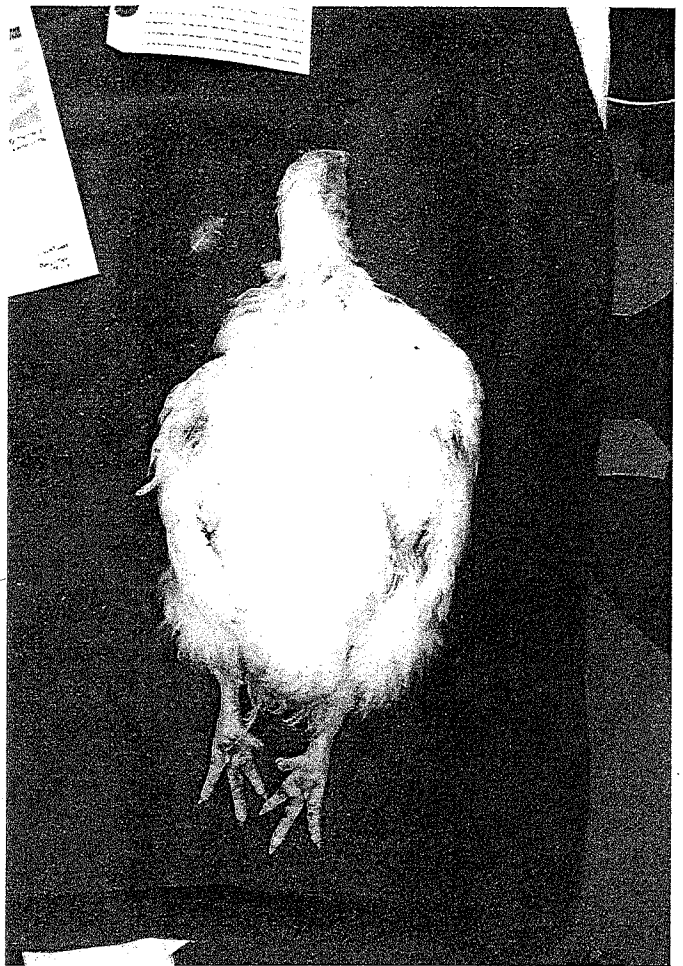
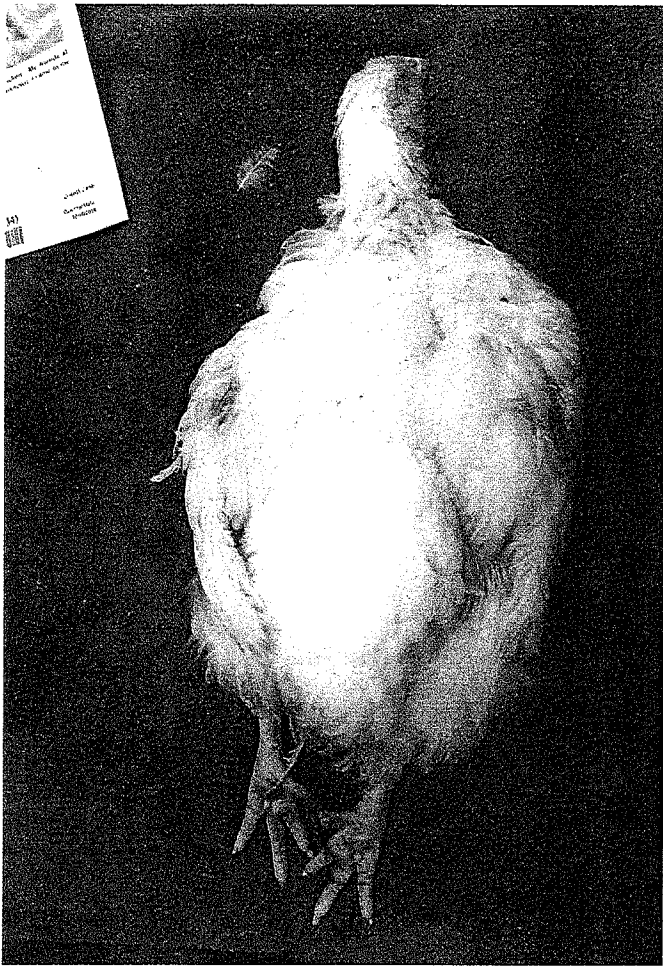
Attached report is considered a preliminary and is the only report that I have reviewed at the time of this report being written.

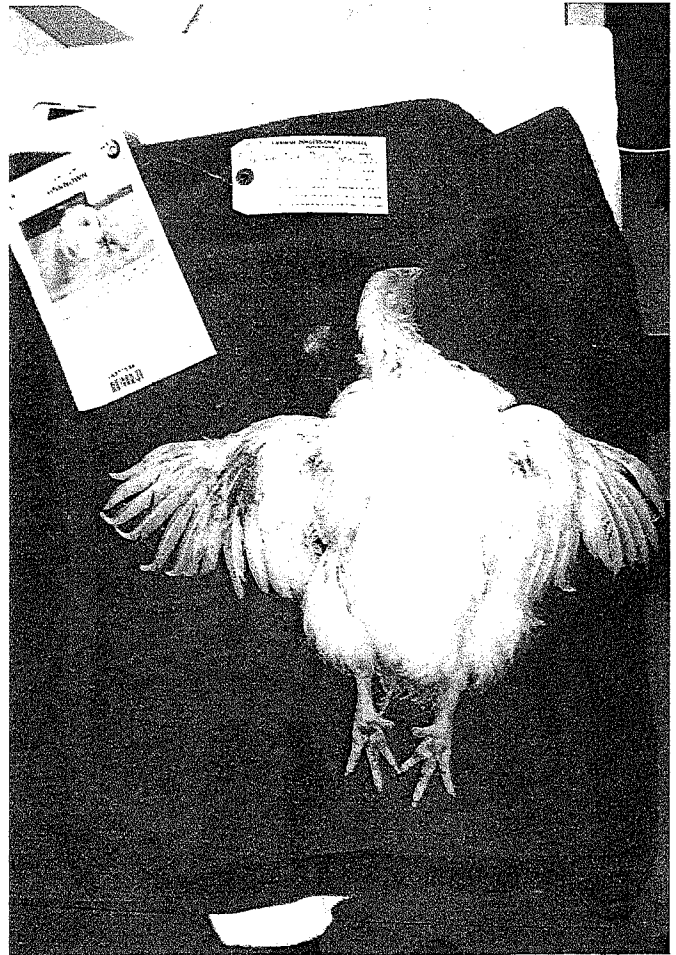
Sonoma County Animal Services – Shelter Veterinarian –

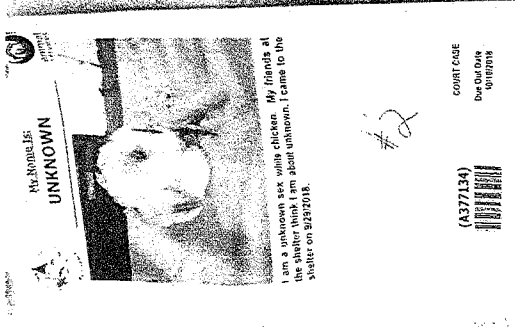
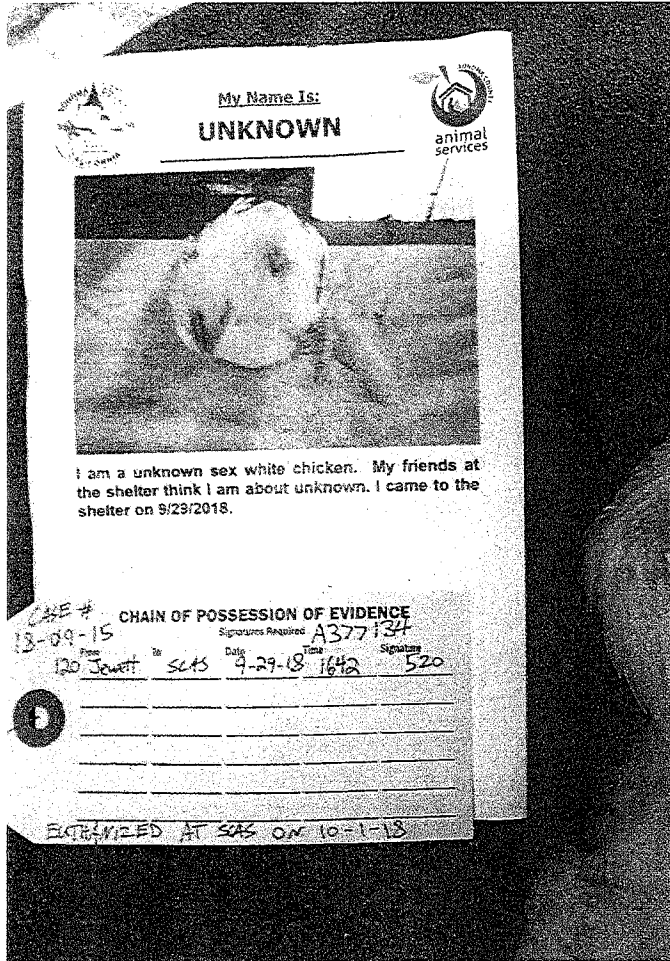
Appendix Eight – UC Davis California Animal Health and Food Safety Laboratory
CAHFS #: D1813703 Report – Preliminary Version 2.

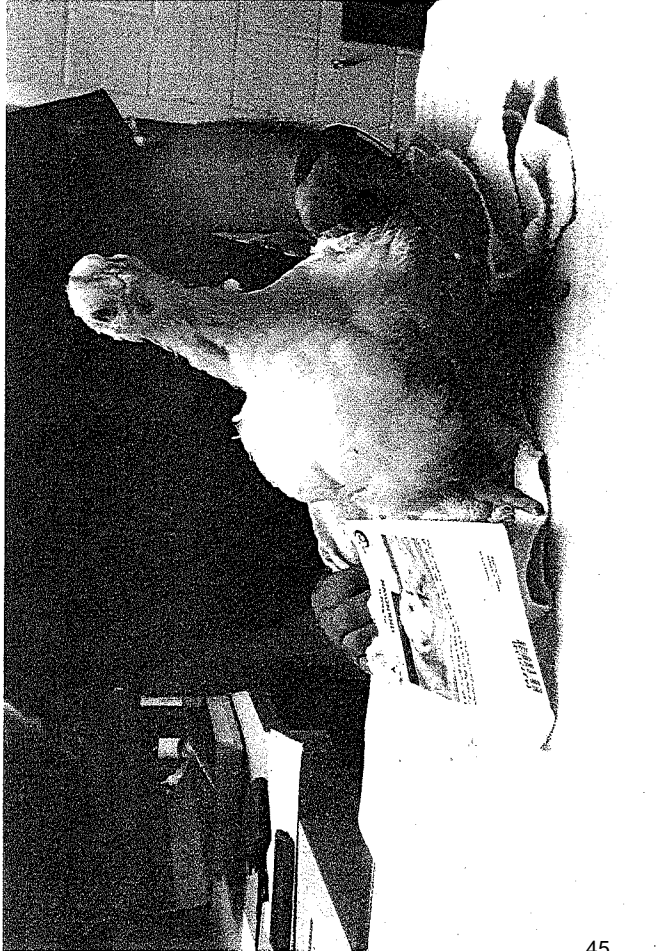
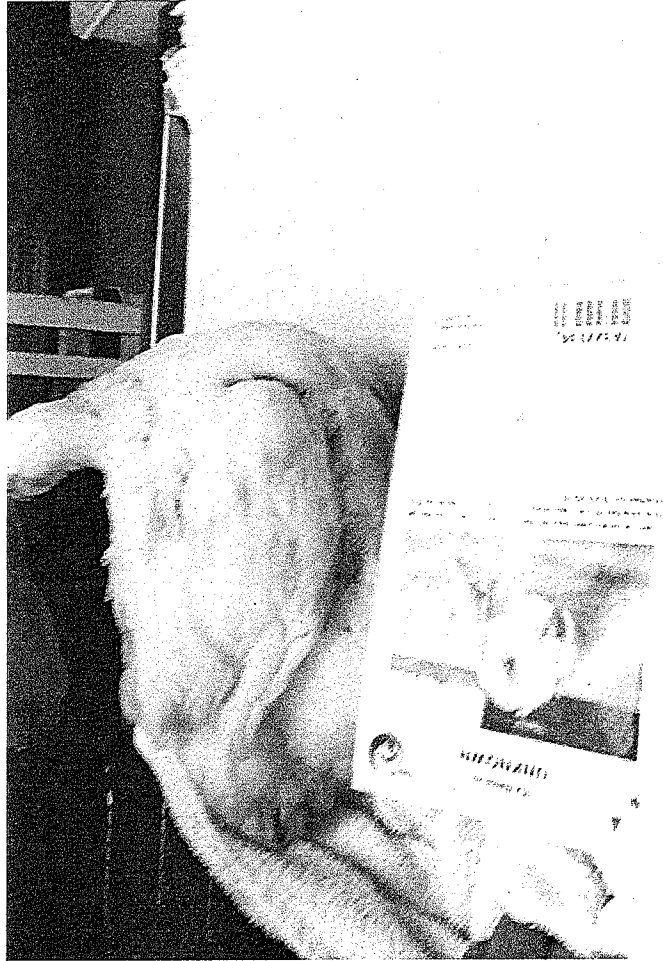
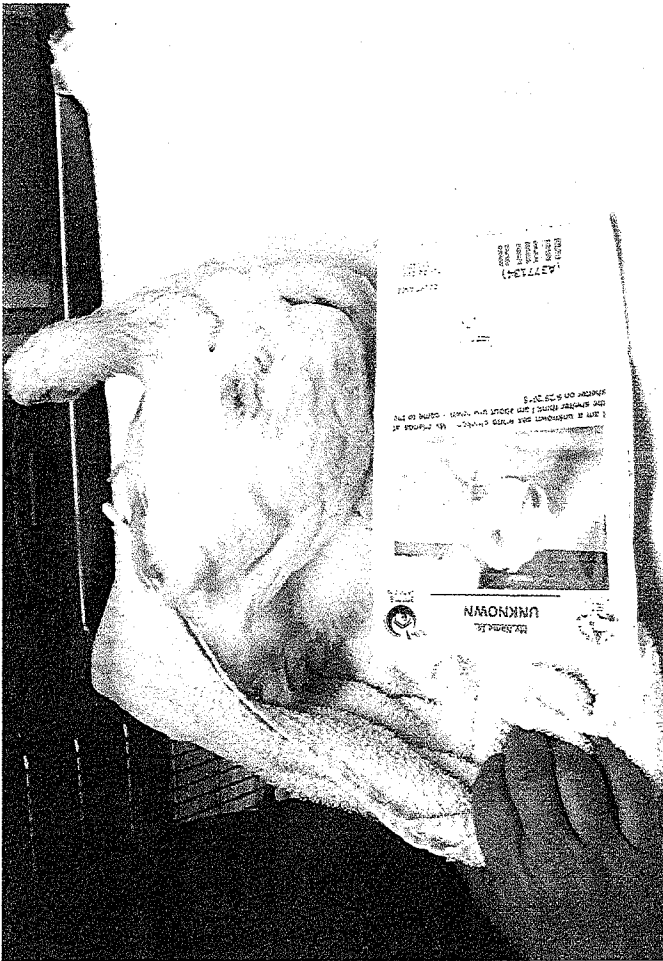
Attached report is considered a preliminary and is the only report that I have reviewed at the time of this report being written.

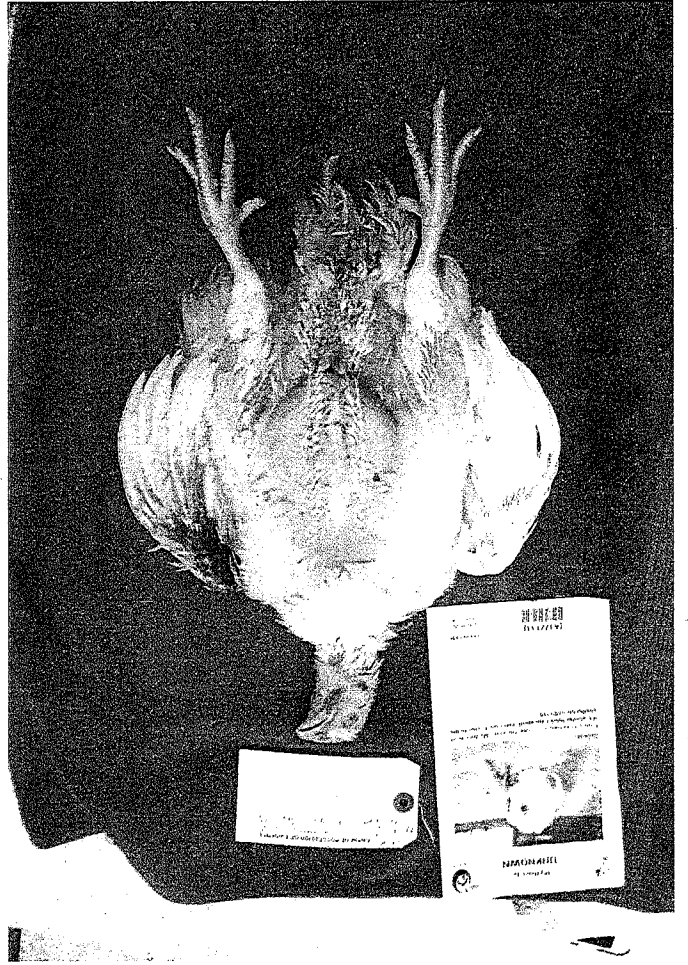


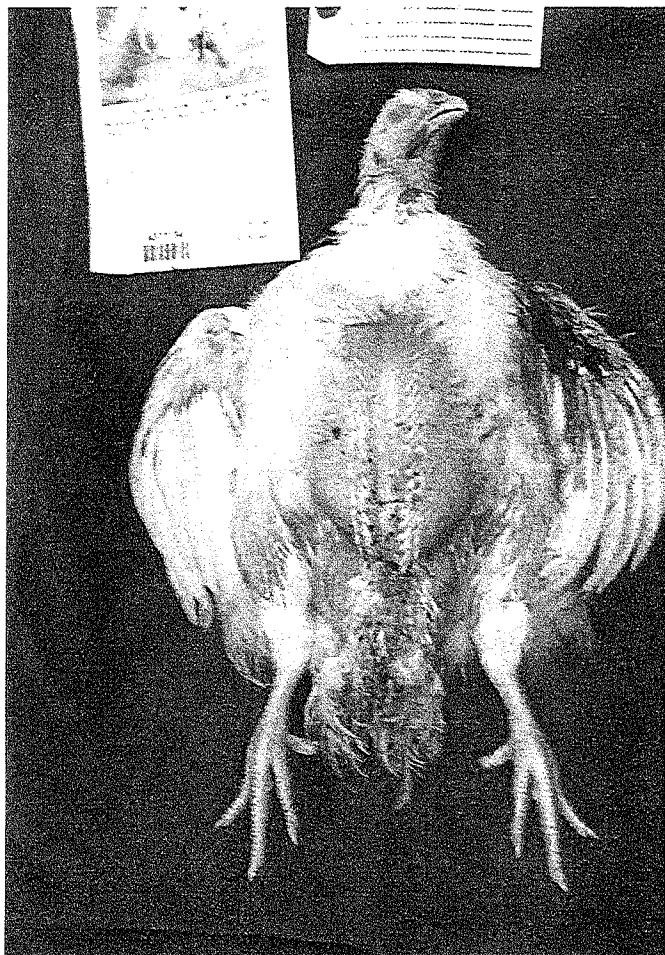
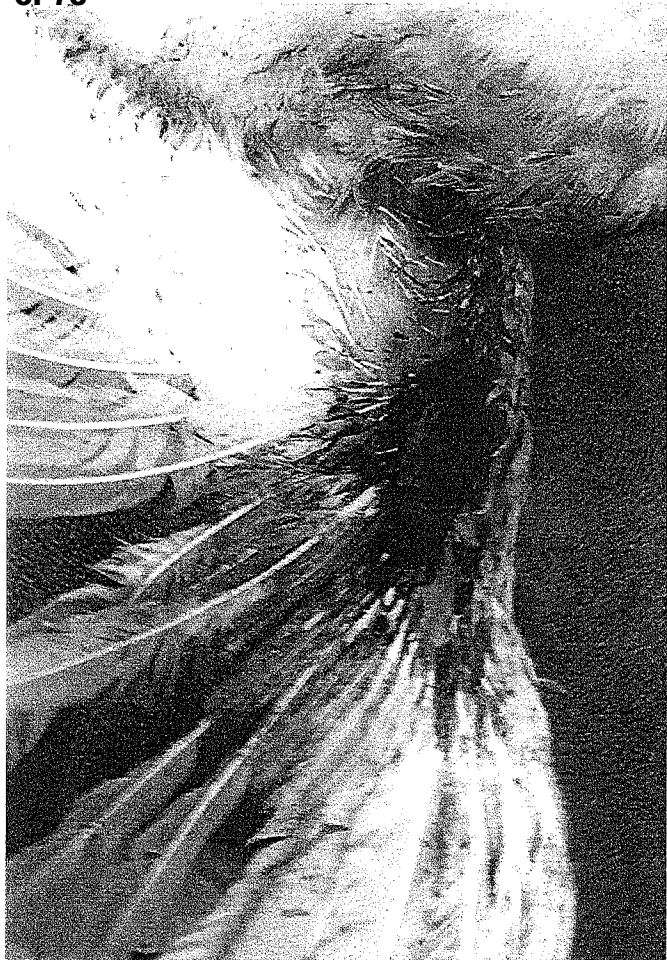


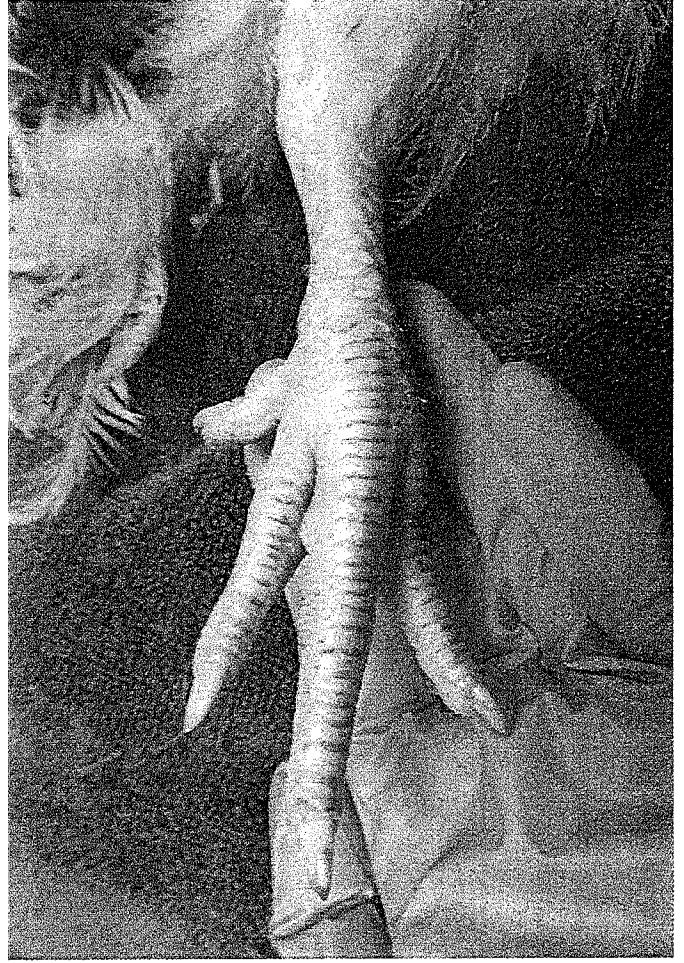


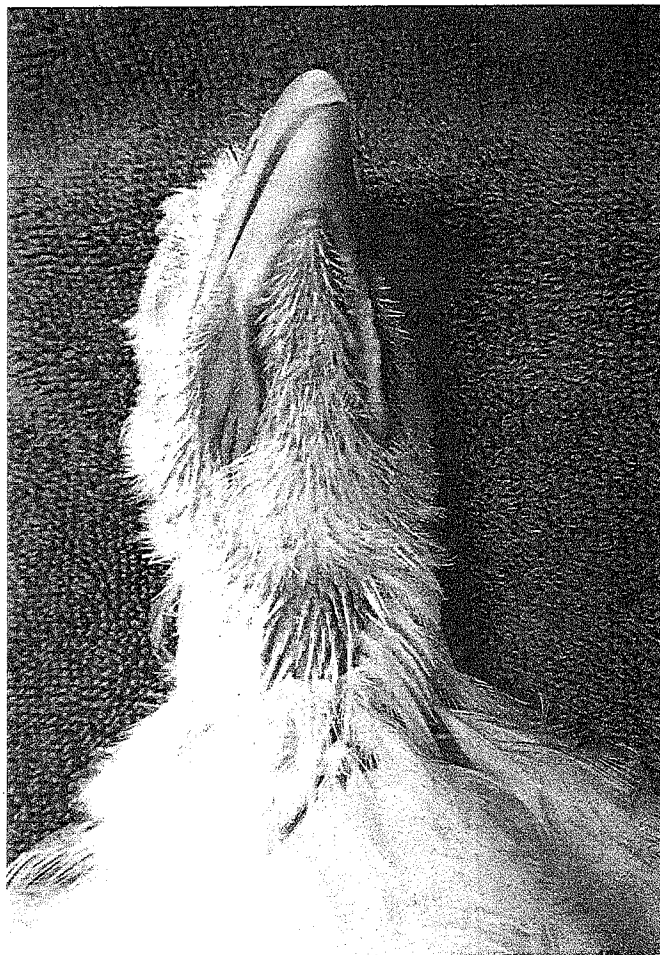


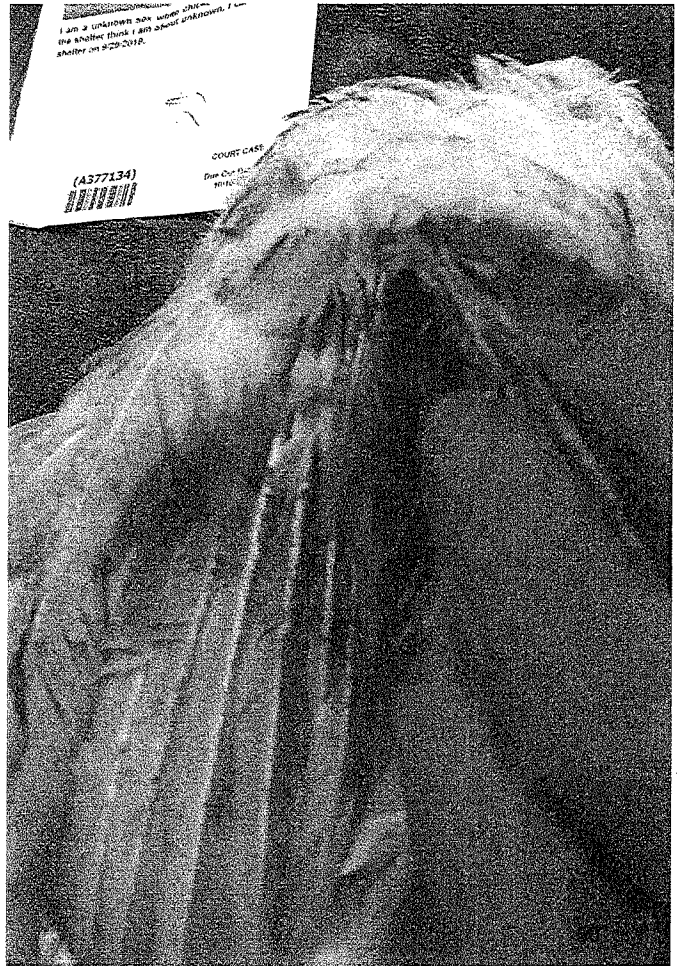
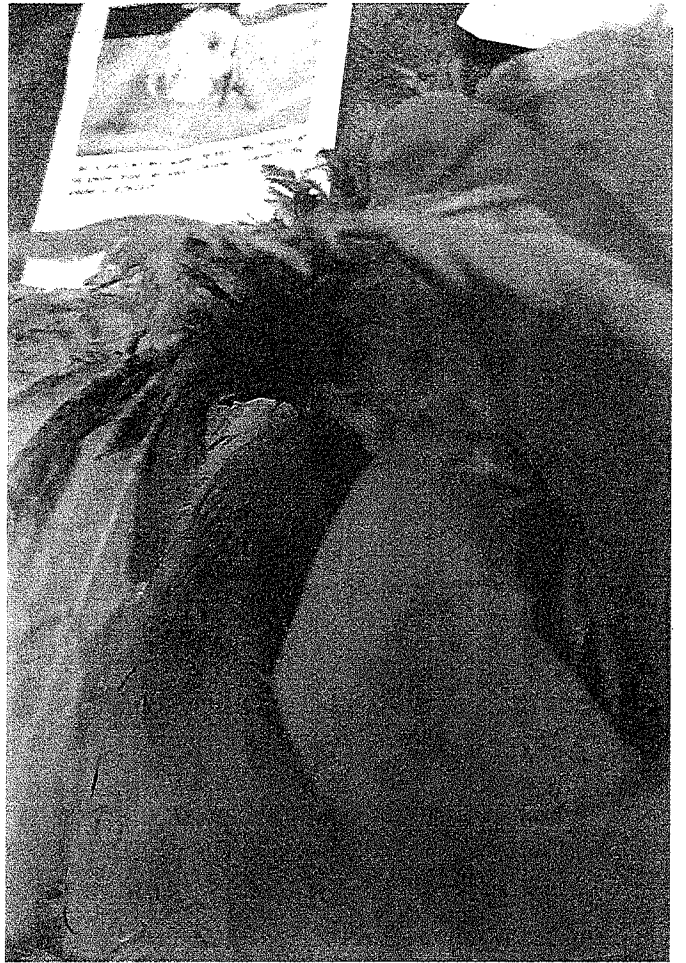














www.cahfs.ucdavis.edu



UC DAVIS
VETERINARY MEDICINE

California Animal Health and
Food Safety Laboratory
PO Box 1770, Davis, CA, 95617
(530) 752-8700

CAHFS Accession #: D1813703

Preliminary Version 2

Ref. #:

Coordinator: [REDACTED] DVM, PhD, Dipl. ACVP

E-Signed and Authorized by: [REDACTED] on

10/12/2018 2:20:06PM

Email To:
Sonoma Co Animal Control
[REDACTED]

Collection Site:
Sonoma Co Animal Control
1247 CENTURY CT,
SANTA ROSA CA 95403
Sonoma County.

This report supersedes all previous reports for this case

Specimens Received: 15 Carcass;

Date Collected: 09/30/2018 Date Received: 10/02/2018

Comments: 15 frozen carcasses

Case Contacts

Submitter Sonoma Co Animal Control 707-565-7106 1247 Century Ct Santa Rosa CA 95403

Specimen Details

Animal/Source	ID Type	Taxonomy	Gender	Age
D1813703-01	CAHFS Internal ID	Chicken		

Laboratory Findings/Diagnosis

Histopathological findings:

- Chickens G-O: Mild to moderate lymphocytic plasmacytic tenosynovitis, reo virus infection
- Chickens C and F, severe fibrinonecrotizing colomitis, three different bacteria isolated from swabs from F
- Chickens G, H, K, L, M, O: Mild to moderate lymphocytic plasmacytic/histiocytic epicarditis with occasional myocarditis
- Chickens I, L, M, N, O: Bursal depletion
- Chicken H: Severe necroulcerative dermatitis with dermal perforation (perforating injury presumptive)
- Chickens C and F: Fibrinosuppurative coelomitis, marked

Gross pathological findings:

- Chickens C (#377143) and F (#377146): Severe fibrinous coelomitis, epicarditis
- Chickens G-O: Non-specific findings; no significant pathology
- Chicken H (#377134): Left inner wing open wound
- Chicken J (#377136): Lateral rotation of the right distal tibiotarsus and severe lateral and backward deviation of the distal limb (metatarsus and digits); valgus deformity

Case Summary

10/12/2018: Microscopic examination of the tissues are completed now, significant findings are summarized in the diagnosis section. The coelomitis in chickens C and F are confirmed, and on bacterial cultures of F there are three bacteria isolated, all typically found in the intestinal tract, likely due to autolysis (bird C was not cultured due to the autolysis). The fresh carcass, "H" had a pale and somewhat enlarged spleen, there is no significant infection on histopathology and cultures isolated Staph. hominis, also likely a contaminant.

A significant and relevant finding is the tenosynovitis observed in all G-O birds, and reovirus is detected in three of them by PCR. Reo virus is a vertically transmitted disease that has been affecting many broiler birds, and typically involves the tendons of the hocks, leading to rupture of the tendons in severe cases. None of these birds had gross lesions of arthritis/synovitis, however histopathology revealed the consistent lesions, and this may be the most contributing factor in these chickens not being able to

move and stand up well, as [REDACTED] had mentioned on our phone conversation. I had initially suspected the clinical signs and poor quality of life may be due to the rapid body weight gain issues of broilers however at least one of the birds was not overtly heavy and the joint inflammation is more likely. Most birds also had epicardial and myocardial inflammation, also typically associated with reovirus infections. Our reovirus PCR is not highly sensitive, thus we are pursuing virus isolation on the 6 chickens with negative PCR results.

10/4/18: Two birds examined from the "found dead" had severe coelimitis as the cause of death. The degree of autolysis and freeze-thaw may hinder the results however swabs are submitted for cultures in an attempt to identify the bacterial agent involved. The remainder four birds from this group were discarded due to the advanced autolytic state of the carcasses.

On postmortem examination of the euthanized birds there were no specific pathologic observations.

The one bird with the leg rotation seems to be due to a limb deformity likely from early life and developed with the severe deviation of the distal limb. Microscopy is pending, as well as some ancillary testing.

Clinical History

9/30: a group of animal right protesters broke into a commercial poultry ranch in Petaluma, CA. The protesters removed approximately 15 chicken from the buildings/houses. The protesters were arrested by sheriff's deputies and our agency took possession of 6 dead chickens and 9 live chickens. The 9 live chickens were examined by a vet and euthanized because of their health condition. 14 chicken have been frozen and one chicken has been kept col not frozen. We are trying to determine the cause of death of all 15 chickens; the 6 chickens that were brought in dead are all in one large bag and each chicken is clearly marked/identified. The 9 euthanized chicken are all in one bag and each chicken is clearly marked/identified. The one chicken that was kept in cold storage is in a bag by itself and also clearly marked.

Gross Observations

Submitted are 15 chicken carcasses, designated "A" to "O" in the order of their ID numbers. Fourteen carcasses are frozen, the one chicken that is euthanized 10/1/2018 is refrigerated. Of the frozen chickens, five "found dead" chickens are in one large bag (A, B, C, D, F), the recently euthanized chicken is "H," and there are nine euthanized carcasses in a separate large bag (G, I-O). Frozen carcasses are thawed in lukewarm water throughout the day prior to necropsy.

Of the previously dead carcasses, chickens "C" and "F" are examined, birds "A", "B", and "D" are in advanced state of decomposition and cannot be evaluated. These two birds are in fair nutritional condition, the pectorals are straight, and there is scant adipose tissue stores internally. Both have prominent, developed Bursa of Fabricius (mostly around 1 cm diameter). Chicken E (ID #377145), although found in the bag of the "euthanized" birds, is severely autolytic and is discarded as well (presumed to be the 6th "found dead" bird). There is diffuse generalized green discoloration and with additional brown tinged soft internal organs, the skull is fractured into pieces, there is no open wound or hemorrhages (postmortem).

Postmortem changes in chickens C and F are similar. In chicken C diffusely the hepatic capsule, intestinal loops and the epicardium are overlain by thick fibrinous exudate. Spleen is mildly enlarged. Chicken F has severe fibrinous to fibrinosuppurative coelimitis. The right liver lobe is severely diffusely pale and shrunken with rounded edges in a compartment filled with yellow caseous material and fluid. The left liver lobe is severely enlarged extending to the cloaca and diffusely dark red-purple, containing milium pinpoint pale foci.

Chickens G to O are all in good nutritional condition and in moderate to marked postmortem decomposition. All birds have wet, frothy, red to dark red lungs except lungs M and N are pink and frothy and chicken G has severe brown tinge of the lungs (freeze-thaw artifact, euthanasia artifact, and autolysis). Chickens H and L are females (small, inactive ova and oviduct), remainder birds are males. All have prominent, developed Bursa of Fabricius (mostly around 1 cm diameter). Most crops are empty or have scant corn/mash contents and the ventriculus typically have small amount of ingesta.

Chicken G: The crop is empty, ventriculus contains small numbers of pebbles. There is a focal region of koilin irregularities at the isthmus (erosions?). There is mild enlargement of the spleen. The cecal tonsils are petechiated.

Chicken H (refrigerated carcass): There is an ulcerative wound on the left inner wing at the radial metacarpal joint. There is dark red-black crusting (likely hemorrhage and necrosis of the epidermis) surrounding the ulceration exposing the dermis. The liver is dark mahogany. On the dorsal surface on the capsule, there are 3 pale, gray-tinged irregularly-shaped foci measuring about 4 x 8 and 2 x 3 mm. These foci do not extend to the parenchyma. This a female bird with small inactive ova. The cranial lobes of the kidneys are pale. There is a small amount of crop and ventriculus contents composed of mash-corn.

Bird I: Has an enlarged, diffusely pale spleen with some petechiations (swabbed). There is a small amount of corn in the crop and ventriculus.

Bird J: Small amount of crop contents are present, the ventriculus contains a moderate amount of corn mash. There is severe deviation of the right distal limb: the distal tibiotarsus is rotated leading to the lateral and backward rotation (>90 degrees) of the

metatarsus. The ligaments and joint are unremarkable. The rotation is associated with the distal tibia and does not release upon dissection of the tendons and ligaments of the tibiotarsus – metatarsus joint. The digits are in line with the metatarsus.

Chicken K: The crop is empty, the ventriculus has a small amount of mash feed.

Chicken L: A central brown friable circular area is in the entral hepatic parenchyma (euthanasia artifact, vascular). The ventriculus has a small amount of green to bright green contents. The crop is empty.

Chicken M: The crop is empty. There is some fibrous plant material in the ventriculus.

Chicken N: Has an empty crop. The ventriculus has scant contents.

Chicken O: The liver and heart have marked pallor, autolytic changes, as do most other birds like G and J. The ventricular wall is thinned and soft. The crop is empty, as well as the stomach with only a few pebbles.

Bacteriology

BACTERIAL AEROBIC CULTURE

Animal/Source	Specimen	Specimen Type	Results
D1813703-01	F/377146	Coelomic Cavity Swab	Enterococcus cecorum Lg# Enterococcus faecalis Rare# Escherichia coli Rare#
D1813703-01	H/377134	Liver Swab	No growth after 48 hours
D1813703-01	H/377134	Splenic Swab	Staphylococcus hominis Rare#

Biotyper Organism Identification

Animal/Source	Specimen	Specimen Type	Results
D1813703-01	F/377146	Coelomic Cavity Swab	Enterococcus cecorum Enterococcus faecalis Escherichia coli
D1813703-01	H/377134	Splenic Swab	Staphylococcus hominis

Biotechnology

Influenza A PCR with Internal Control

Animal/Source	Specimen	Specimen Type	Results
D1813703-01	Group 1	Oropharyngeal Swab Pool	Not Detected
D1813703-01	Group 2	Oropharyngeal Swab Pool	Not Detected

Reovirus PCR

Animal/Source	Specimen	Specimen Type	Result	Units
D1813703-01	G/377133	Tendon tissue	Not detected	
D1813703-01	H/377134	Tendon tissue	Indeterminate	
D1813703-01	I/377135	Tendon tissue	Not detected	
D1813703-01	J/377136	Tendon tissue	Not detected	

D1813703-01	K/377137	Tendon tissue		
Analyte			Result	Units
Reovirus			Virus Detected	
D1813703-01	L/377138	Tendon tissue		
Analyte			Result	Units
Reovirus			Virus Detected	
D1813703-01	M/377139	Tendon tissue		
Analyte			Result	Units
Reovirus			Not detected	
D1813703-01	N/377140	Tendon tissue		
Analyte			Result	Units
Reovirus			Not detected	
D1813703-01	O/377147	Tendon tissue		
Analyte			Result	Units
Reovirus			Not detected	

Histology

Chicken C: Sections of heart, air sacs, liver, spleen, kidneys, and gastrointestinal tract are examined. The epicardium is severely disrupted by a thick layer of caseonecrotizing exudate containing occasional bacterial colonies and large numbers of histiocytes and exudate are in the outer half of the myocardium. The liver capsule, serosal surfaces of organs, mesentery are overlain by severe similar exudate. There are frequent serum lakes and mild histiocytic hepatitis in the parenchyma of the liver.

Chicken F: Sections of heart, trachea, air sacs, liver, spleen, kidneys, skeletal muscle, and gastrointestinal tract are examined. The liver has multifocal to coalescing areas of necrosis and severe histiocytic, granulomatous hepatitis. The serosal surfaces of abdominal organs are overlain by fibrinocellular exudate. A large conglomerate taken from the coelomic cavity is composed of eosinophilic, caseonecrotic accumulations containing variable morphologies of bacteria.

Examined are sections of hock tendons and synovium, brain, feathered skin, peripheral nerves, heart, trachea, air sacs, lung, liver, spleen, kidneys, ova/testis, adrenal glands, bursa, skeletal muscle, esophagus, crop, proventriculus, ventriculus, pancreas and intestines from chickens G-O. Significant findings are as follows.

Chickens G-O: Mild to moderate lymphocytic plasmacytic tenosynovitis. In a couple cases there is also mild fibrillary synovial hyperplasia.

Chicken G: Marked diffuse epicarditis, with lymphocytic some histiocytic infiltrates and fibroblasts. Mild multifocal myocarditis histiocytic lymphocytic.

Splenic depletion. Multifocal fibrinous/serous effusion.

Chicken H: mild focal heterophilic, histiocytic, lymphocytic epicarditis and myocarditis, regionally extensive epicardial expansion and fibroblasts, mild (reactive?). Mild periportal mixed leukocytic expansion (incidental).

Left wing wound demonstrates segmentally ulcerated epidermis with severe caseonecrotic thick crust embedded with large numbers of bacterial colonies (cocci). The adjacent epidermis is intact. The dermis subjacent to this is expanded by large numbers of heterophils, and the deeper dermis is expanded by a linear track of necrotic cells and exudate, bacterial colonies, and several polarizing foreign material occasionally surrounded by macrophages (perforating wound presumptive).

Chicken I: Presumptive minimal myocarditis (freeze-thaw?). Fibrin/serum accumulations multifocally in the spleen, couple of lymphoid follicles, mostly not very cellular and histiocytic. Bursa is moderately depleted.

Chicken J: Also thyroid examined. There is focal periportal lymphocytic mixed expansion (incidental).

Chicken K: Multifocal mild lymphocytic histiocytic myocarditis and small focal epicardial infiltrates. Multifocal periportal lymphocytic mixed expansion (incidental).

Chicken L: Bursa is markedly depleted. The subepicardium is expanded by clear spaces and small numbers of mesenchymal cells, there is mild tombstoning of the lining cells and in one region there is prominent hypertrophy and hyperplasia. There are couple of suspicious areas of lymphoid cells infiltrating the myocardium (autolysis?). Focal lymphocytic adrenalitis.

Chicken M: Diffuse subepicardial expansion by fibropasia and histiocytes, lymphocytes. Multifocally there is moderate lymphocytic histiocytic myocarditis. Multifocal random acute hepatic necrosis and periportal expansions. The bursal stroma is expanded (atrophy?).

Chicken N: Bursa follicles are depleted. There is focal erosion/ulceration of the koilin with bacterial colonization.

Chicken O: There is depletion of the Bursa follicles and with expansion of the stroma. The subepicardium is expanded by clear spaces and large numbers of lymphocytic plasmacytic heterophilic histiocytic cells.

Virology

Avian Virus Isolation

Animal/Source	Specimen	Specimen Type	Results
D1813703-01	G/377133	Tendon tissue	Pending
D1813703-01	H/377134	Tendon tissue	Pending
D1813703-01	I/377135	Tendon tissue	Pending
D1813703-01	J/377136	Tendon tissue	Pending
D1813703-01	M/377139	Tendon tissue	Pending
D1813703-01	N/377140	Tendon tissue	Pending
D1813703-01	O/377147	Tendon tissue	Pending



UC DAVIS
VETERINARY MEDICINE
 California Animal Health and
 Food Safety Laboratory System

CAHFS Accession #: D1813703
 Ref. #:
 Coordinator: [REDACTED]
 Date Received: 10/02/2018
 Invoice Date: 10/12/2018
 Billing ID: 00007358

www.cahfs.ucdavis.edu

Preliminary - Fee Estimate

This report supersedes all previous reports for this case

Email To:
 Sonoma Co Animal Control
 [REDACTED]

Collection Site:
 Sonoma Co Animal Control
 1247 CENTURY CT
 SANTA ROSA, CA 95403
 County: SONOMA

Contacts:

Role	Full Name	Phone	Address
Submitter	Sonoma Co Animal Control	707-565-7106	1247 CENTURY CT SANTA ROSA CA 95403

FEE ESTIMATE ONLY. Please pay from the statement of final charges that is mailed at the end of the month.
 CAHFS is open, but will have only limited services on 11/12/2018, in observance of Veteran's Day. Please contact the laboratory to plan your testing needs accordingly.

Specimens Received: 15 Carcass;

Customer Comments: 15 frozen carcasses

Total amount from previous estimates: 199.80

Current Charges:

Item	Note	Qty	Units	Actual Price
Avian Virus Isolation		7	1	\$577.50
Reovirus PCR	Included in Cap	9	1	\$0.00
Total for this Report:				\$577.50
Total for Case:				\$777.30

Remit Correspondence to:
 PO Box 1770
 Davis, CA 95617
 (530) 752-8700

Remit Payment to:
 Cashier's Office
 1200 Dutton Hall
 Davis, CA 95616
 (530) 752-4613

CASE REPORT (Supplemental)
SONOMA COUNTY ANIMAL SERVICES DIVISION
1247 Century Court, Santa Rosa, CA 95403 (707) 565-7100 Fax: (707) 565-7103

Classification: Crimes Against Animals: Sec: PC 597(b) Felony/Misdemeanor.
Person having charge or custody of any animal, either as owner or otherwise, and subjects such animal to needless suffering and fails to provide proper care and attention.

Case No.: 18-09-15

Date of Incident: 09/29/18

Location of Incident: 120 Jewett Road, Petaluma, CA, 94952

Investigating Department: Sonoma County Sheriff Department

Business Address: 2796 Ventura Avenue, Santa Rosa, CA, 95403

Suspect: Robert Shawn McCoy

Residence Address: 120 Jewett Road, Petaluma, CA 94952

Driver's License: [REDACTED]

DOB: [REDACTED]

Breed: 15 Chickens (9 live and 6 dead)

Narrative: On 09/29/18 at approximately 1420 hours, I Officer Foster was contacted by Animal Control Officer Roger Dengler requesting assistance at 120 Jewett Road in Petaluma. At 1446 hours, I arrived at the location and met with Officer Dengler and Sonoma County Sheriff Sergeant Buchignani. I was informed that there were two groups of protesters that had both live and dead chickens in their possession that were illegally removed from the property.

I observed two groups of protesters (one at the base of the driveway and one about a 100 yards up the driveway).

Officer Dengler and I were advised by Sergeant Buchignani that the protesters would be led to our location at the base of the driveway, where the chickens would be handed over to us. After the protesters had relinquished the animals, they would then be placed into custody by the Sheriff's Office. I was instructed by Sergeant Buchignani to position my vehicle at the base of the driveway in order to better facilitate the impoundment of the chickens.

Prior to the impoundment, I made contact with the property owner, Robert McCoy. He informed me that the chickens could not be brought back to his facility once they left, and that if Sonoma County Animal Services (SCAS) wanted to keep the animals, it was

ok with him. I informed Mr. McCoy that we would be taking possession of the chickens at that time (Reference Signed Impound Notice).

Once all of the chickens were impounded, a final count of eight live and six dead was calculated. I contacted Supervising Animal Control Officer Kevin Davis by phone. He stated that we were to transport the animals to SCAS, where a veterinarian would meet us to examine the chickens.

At approximately 1645 hours, Officer Dengler and I arrived at SCAS. Approximately fifteen minutes later, DVM [REDACTED] arrived with a veterinarian technician.

Officer Dengler removed each of the live chickens from my vehicle, while I removed all of the dead chickens. It was at this time that Officer Dengler brought to my attention that there were in fact nine live chickens, not eight according to my impound notice. The count of six dead was correct however, for a total of fifteen live and dead chickens.

I Officer Foster photographed all of the deceased birds, and then placed them into the evidence freezer. After examining the live birds, DVM [REDACTED] then examined the dead ones. After examination, they were then placed back into the evidence freezer.

On 10-01-18, I Officer Foster assisted DVM [REDACTED] with taking additional photographs of all fifteen chickens. Chain of custody documentation with associated animal identification numbers were attached to each individual animal.

Recording Officer: J. Foster Badge No: 520 Date: 10-08-18

J. Foster

#520

Supervisor Approving:

K. DAVIS

Badge No:

#512

10-15-18

A18-096187-1

ASSIST/POLICE

Priority Level: 1

Total Animals: 1

Animal Type: DOG

Activity Address: [REDACTED]

Activity Comment: DEPUTY ON SCENE 5 BUSES W/ PROTESTORS AT CHICKEN FARM; REQUESTING ACO

Caller Information:

P267140 SHERIFF POLICE
2796 VENTURA AVE
SANTA ROSA CA 95403
(707) 565-2121

Result Codes:

1 COMP

Officer: P999573 DALTON

Clerk: KADRAGNA

Call Date: 05/29/18 12:51 PM

New Date: 05/29/18 12:51 PM

Dispatch Date: 05/29/18 01:19 PM

Working Date: 05/29/18 02:23 PM

Complete Date: 05/29/18 03:10 PM

Memo:

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Activity Card

A18-097499-1

ASSIST/POLICE

Priority Level: 1

Total Animals: 1

Animal Type: CHICKEN

Activity Address: [REDACTED]

Activity Comment: DXE PLANNED ANIMAL PROTEST EVENT ON 7-29-18.

Owner Information:

P371302

[REDACTED]
[REDACTED]
[REDACTED]

Caller Information:

P267140

SHERIFF POLICE
2796 VENTURA AVE
SANTA ROSA CA 95403
(707) 565-2121

Result Codes:

1 COMP
1 NVO

Officer: P999512 DAVIS

Clerk: KCRANE

Call Date: 07/29/18 09:56 AM

New Date: 07/29/18 09:56 AM

Dispatch Date: 07/29/18 09:57 AM

Working Date: 07/29/18 10:30 AM

Complete Date: 07/29/18 02:55 PM

Memo:

M18-405193 7/29/2018 SYSADM
2 OF 3

Next we walked to the north end of the Cage Free Building F & G. This building has two flocks in it, one on both sides. This building is also an aviary and was first put into production in 2016 & 2017. The building has nearly identical equipment as what I saw in house C. Per [REDACTED] the only difference is that this building is two levels. We visited the birds in house F which were placed in the building last week and have not started to lay. We stood near the fan that pulled air out of the building and though the air is typically the worst where it exits the building, the air quality in this building was very good.

We then walked to the manure drying room in House F where each day the wet manure from house F is dehydrated from 65% moisture down to 10% moisture. I noted a very minor smell of ammonia and the absence of flies as [REDACTED] explained, they have no habitat for flies to reproduce on the farm.

Last we entered the north end of House D. The colony cage house was put into production in 2014. Per [REDACTED] House D was one of the buildings that DXE trespassers used force to push past their employees to gain entry and steal hens. The age of the hens when they were stolen were approximately 20 weeks old. They had just been placed into the building and had yet to start laying. In House D we saw a colony cage system that [REDACTED] said is fully compliant with Proposition 2 requirements. I did not measure the dimensions of the cages. Proposition 2 requires 116 square inches per hen of placement. According to [REDACTED] their hens have over 120 square inches of placement. Similar to the cage free building, these hens have access to food and water 24 hours a day, their manure falls through the cage bottom onto a belt that removes the wet manure daily. The air quality in the building was good and we could see down the aisles.

M18-405194 7/29/2018 SYSADM

3 OF 3

Note 1: Of the thousands of chickens I observed, I only saw two dead chickens in the buildings I walked through. The Weber Family wanted to show me the buildings that the DXE Protesters had broken into on May 29, 2018 and made numerous accusations pertaining to their health and care standards. Health Manager [REDACTED] told me that he personally inspects each chicken that is found dead. If he is not able to determine the cause of death the chicken is sent to a lab for a necropsy.

Note 2: Virulent Newcastle Disease (VND), formerly known as Exotic Newcastle Disease is a contagious and fatal viral disease affecting the respiratory, nervous and digestive systems of birds and poultry. The disease is so virulent that many birds and poultry die without showing any clinical signs. There is a current outbreak in Southern California and by people/protesters trespassing on this ranch could possibly lead to a major disease outbreak. This was the reason I was fitted with a Tyvek suit and properly tapped up before entering any of the buildings on the ranch/farm.

M18-403870 7/29/2018 SYSADM

1 OF 3

7-29-18 (512) I WAS ASKED BY RANCH OWNER'S [REDACTED] TO WALK THROUGH THEIR CHICKEN BARNs TO OBSERVE THE CONDITIONS THAT THEIR CHICKENS ARE BEING RAISED IN. THEY ASKED THAT I WALK THROUGH THE BARNs THAT THE DXE PROTESTERS BROKE INTO ON MAY 29, 2018 AND MADE SEVERAL ALLEGATIONS OF ABUSE!

I met with [REDACTED] (Director of Operations, [REDACTED]) and the farms Biosecurity/Animal Health manager [REDACTED] asked me if I would be willing to do a walkthrough of the farm before the protesters arrive. I had [REDACTED] sign a "Consent To Enter Property" agreement.

I slipped on a Tyvek suit (provided by [REDACTED]) and we entered the East end of Building C which is a cage free production building. Per [REDACTED] during the May 29th protest, DXE trespassers were able to pry open the door on the West End of Building C and run into the building wearing T-shirts over Tyvek suits and street shoes. Multiple hens were stolen from this building.

Building C contained hens that were 66 weeks of age. According to [REDACTED] most egg production hens have a life cycle of up to 85 weeks. For an older flock, the hens appeared well feathered, active and showed no abnormal behavioral signs. Per [REDACTED] the equipment in House C is a cage free aviary system that was installed in 2017. The system has multiple levels with feed and water available at all times. There are nest boxes providing hens with a dark, safe place to lay their eggs. The litter on the floor is made up of rice hulls which the hens use to dust bath and scratch. Throughout the system is perching for hens to roost, jump, and remain active.

We then toured the ranch packing area at the Far East end of Building C where all of the eggs from the three buildings are placed into flats before being transported to the top of the property for processing. There were two farm packers operating with one packing only cage free eggs and the other packing eggs from the colony cage building. There was hundreds of eggs being packed in two packers with no sight of a single bloody or malformed egg. It was noted that cage free eggs were packed into orange flats and colony cage eggs were packed into green flats.

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Activity Card

A18-097877-2 FOLLOWUP/INVEST Priority Level: 3 Total Animals: 1 Animal Type: CHICKEN

Activity Address: [REDACTED]

Activity Comment: CONTACT RANCH MANAGER [REDACTED] 8-15-18 TO SET UP TIME TO INSPECT RANCH TODAY (512)

Caller Information:

P267140 SHERIFF POLICE
2796 VENTURA AVE
SANTA ROSA CA 95403
(707) 565-2121

Result Codes:

3 MCO
1 APPRV

Officer: P999573 DALTON Clerk: KADRAGNA

Call Date: 08/15/18 07:50 AM
New Date: 08/15/18 07:50 AM
Dispatch Date: 08/15/18 11:04 AM
Working Date: 08/15/18 11:25 AM
Complete Date: 08/15/18 12:05 PM

Memo:

M18-404398 8/15/2018 SYSADM
8-15-18 (512) CONTACT RANCH MANAGER [REDACTED] TO SET UP TIME TO INSPECT CHICKEN RANCH TODAY. INSPECTION SHOULD BE DONE IN THE MORNING HOURS IF POSSIBLE. SEE 512 WITH QUESTIONS. INSPECTION IS BEING DONE AT THE REQUEST OF PETALUMA FARMS AND WAYNE HSIUNG (650-465-1672) ORGANIZER FOR ANIMAL RIGHTS NETWORK "DIRECT ACTION EVERYWHERE" AKA... DXE. ALLEGATIONS OF SUFFERING, STARVING AND ROTTING CHICKENS WITHOUT FOOD AND WATER.

SEE 512 TO GET A CONSENT TO ENTER PROPERTY FORM TO BE SIGNED BY THE RANCH MANAGER BEFORE ENTERING THE CHICKEN BARNS.

PETALUMA FARMS TO PROVIDE A BIO HAZARD SUIT BEFORE ENTERING ANY CHICKEN BARNS.

[REDACTED]

M18-404402 8/15/2018 CMCCAFFE
8/15/18 I called S/O and set up a time to meet with him between 10:30-11am.-518

M18-404981 8/15/2018 RDALTON

(521) MC with Ranch Manager, [REDACTED] He provided me a Bio-Hazard suit and I signed the consent form to enter and walk through the facility.

Property, barns, both where the chickens and kept as well are where the eggs are processed was clean and free and any hazardous material. The Ranch's has a thorough cleaning and sanitation protocol.

The chickens were separated based on age. Each age group in different barns. All barns are set up with an automatic gravity water feeder that run the length of each enclosure in each barn. All barns and their enclosures are set up with automatic feeders. All water and food appeared to be clean. Ample water and food provided. All bird provided adequate space on the ground as well as roosting perch's in each enclosure. They had an isolation barns for sick birds.

In each barn they have a chart where they track egg production, weight and health of the birds. Once weekly they take 20 chickens and weigh them. Veterinary care provided as needed. Birds that died on property get picked up by a composting company.

PASSED INSPECTION.

DEADLY GERMS, LOST CURES

Tainted Pork, Ill Consumers and an Investigation Thwarted

Drug-resistant infections from food are growing. But powerful industry interests are blocking scientists and investigators from getting information they need to combat the problem.

By Matt Richtel

Aug. 4, 2019

It was 7 a.m. on Independence Day when a doctor told Rose and Roger Porter Jr. that their daughter could die within hours. For nearly a week, Mikayla, 10, had suffered intensifying bouts of fever, diarrhea and stabbing stomach pains.

That morning, the Porters rushed her to a clinic where a doctor called for a helicopter to airlift her to a major medical center.

The gravity of the girl's illness was remarkable given its commonplace source. She had gotten food poisoning at a pig roast from meat her parents had bought at a local butcher in McKenna, Wash., and spit-roasted, as recommended, for 13 hours.

Mikayla was one of nearly 200 people reported ill in the summer of 2015 in Washington State from tainted pork — victims of the fastest-growing salmonella variant in the United States, a strain that is particularly dangerous because it is resistant to antibiotics.

What followed was an exhaustive detective hunt by public health authorities that was crippled by weak, loophole-ridden laws and regulations — and ultimately blocked by farm owners who would not let investigators onto their property and by their politically powerful allies in the pork industry.

The surge in drug-resistant infections is one of the world's most ominous health threats, and public health authorities say one of the biggest causes is farmers who dose millions of pigs, cows and chickens with antibiotics to keep them healthy — sometimes in crowded conditions before slaughter.

[Read our other stories in our series on drug resistance, Deadly Germs, Lost Cures.]

Overuse of the drugs has allowed germs to develop defenses to survive. Drug-resistant infections in animals are spreading to people, jeopardizing the effectiveness of drugs that have provided quick cures for a vast range of ailments and helped lengthen human lives over much of the past century.

Cooler with Whole Hogs and Pig Parts



Much of the pork in a 2015 salmonella outbreak was traced to a Washington State slaughterhouse called Kapowsin Meats. Investigators inspecting the slaughterhouse were told to look at the farms that had supplied the pigs.

But public health investigators at times have been unable to obtain even the most basic information about practices on farms. Livestock industry executives sit on federal Agriculture Department advisory committees, pour money into political campaigns and have had a seat at the table in drafting regulations for the industry, helping to ensure that access to farms is generally at the owners' discretion.

Dr. Parthapratim Basu, a former chief veterinarian of the Agriculture Department's Food Safety and Inspection Service, said the pork industry regularly thwarted access to information on antibiotic use.

"When it comes to power, no one dares to stand up to the pork industry," he said, "not even the U.S. government."

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A reconstruction of the Washington outbreak provides a rare look into how these forces play out. The New York Times reviewed government documents, medical records and emails of scientists and public health officials, as well as conducted interviews with victims, investigators, industry executives and others involved.

Those industry officials argued in documents and interviews that farmers needed protection against regulators and scientists who could unfairly harm their business by blaming it for a food-poisoning outbreak when the science was complex and salmonella endemic in livestock. The tension mirrors a broader distrust in agriculture and other business about the intention of federal regulators and other government overseers.

"Have you ever heard of the phrase, 'I'm from the government, I'm here to help you' — and you know they're going to screw you?" said David J. Hofer, the secretary-treasurer of the Midway Hutterite Colony, a religious community that runs a hog farm in Conrad, Mont. Mr. Hofer said he was one of the farmers who objected to the farm inspections during the outbreak.

"They might have public health in mind, but they don't care if in the process they break you."

In the end, Mikayla Porter survived, but the threat of the infection that nearly killed her continues — not least because investigators still lack access to essential data.

“We can see resistance is really increasing,” said Dr. Robert V. Tauxe, director of the division of foodborne, waterborne and environmental diseases at the Centers for Disease Control and Prevention. Melissa Golden for The New York Times

A Danger Grows

There are 2,500 different types of salmonella. The one that infected Mikayla is called 4,5,12:i-minus. It first showed up in the late 1980s in Portugal, and then in Spain, Thailand, Taiwan, Switzerland and Italy. In the United States, infections it causes have risen 35 percent over the past decade, while the overall rate of salmonella infections has stayed constant.

The strain typically resists four major antibiotics: ampicillin, streptomycin, sulfisoxazole and tetracycline.

“We can see resistance is really increasing,” said Dr. Robert V. Tauxe, director of the division of food-borne, waterborne and environmental diseases at the Centers for Disease Control and Prevention.

This particularly virulent strain of salmonella is just one of a growing number of drug-resistant germs that put farm families, and meat eaters generally, at risk.

A study in Iowa found that workers on pig farms were six times more likely to carry multidrug-resistant staph infections, notably MRSA. A study in North Carolina found that children of pig workers were twice as likely to carry MRSA than children whose parents didn't work in a swine operation.

Those germs can also wind up on pork sold to consumers. An analysis of government data by the Environmental Working Group, a research organization, found that 71 percent of pork chops at supermarkets in the United States carried resistant bacteria, second only to ground turkey, at 79 percent.

Like many outbreaks of resistant infections, the salmonella variant that sickened Mikayla is usually so widely dispersed that the C.D.C. has had a hard time tracking it.

But in the Washington outbreak, the infection was new to the region, and tests revealed the bug had the same genetic profile in patients, creating ideal conditions for scientific detective work.

“This was our real opportunity,” said Allison Brown, a C.D.C. epidemiologist. “Everything lined up.”



Stealing Lauri

A pig kidnapping highlights the concerns over antibiotics in livestock.

Aug. 4, 2019

A Celebration Turns Dire

The Porter family had invited friends and neighbors to the pig roast to celebrate a major life change: In three days, they would be moving to Costa Rica.

But the day after the roast, Mikayla felt sick, and by 4:30 a.m. the following morning, she had diarrhea so severe that her parents took her to the emergency room.

There, a doctor said she had a stomach bug, assuring them it would pass and approving her to travel. Her parents also felt sick, but not as seriously, and they flew to Costa Rica as planned.

After arriving, Mikayla got much worse, excreting mucus and blood. She lay in agony on the couch, the family dogs sitting beside her protectively.

A doctor at BeachSide Clinic near Tamarindo, the town where the family had rented a house, prescribed the antibiotic azithromycin, medical records show. It did not work.

The family returned to the clinic the next day. That is when Dr. Andrea Messeguer told Mikayla's parents their daughter could die, and helped arrange the airlift to Hospital CIMA in the capital, San José.

Mikayla recovering in a hospital in Costa Rica.
The Porter family

There, doctors determined that Mikayla had a systemic infection. She received intravenous hydration and antibiotics. Tests came back from the national lab showing the drug-resistant salmonella strain.

Back in Washington, many others were also getting sick.

On July 19, Nicholas Guzley Jr., a police officer, ate pork at a restaurant in Seattle, and at 2 a.m. threw up in the shower. The medical ordeal that followed was so excruciating — vomiting, diarrhea, bleeding, a fever of 103.9 degrees, dehydration and multiple hospital visits — that he said it was worse than a near-death experience in 2003 when he had been hit by a truck.

“If you stack up all the pain from all the injuries, this blew it away,” he said.

On July 23, the head of Washington's Department of Health sent out an alert, warning that 56 people had fallen ill and publicizing an investigation into the outbreak by the state's health and agriculture agencies, coordinating with the C.D.C. The Washington State epidemiologist, Dr. Scott Lindquist, took the lead.

On July 27, a restaurant had its permit suspended for food safety violations, including failure to keep its food hot enough. Multiple restaurants were identified as possible sources of tainted pork, along with several pig roasts.

Dr. Lindquist and his team discovered that many of the infected roast pigs had come from a slaughterhouse called Kapowsin Meats. Tests of 11 samples taken from slaughter tables, knives, hacksaws, transport trucks and other spots showed that eight were positive for the resistant strain.

At Kapowsin, the state investigators spoke to the federal official responsible for inspecting the slaughterhouse, who suggested that they look for the farms where the tainted pork had come from.

The Heart of an Outbreak

Records obtained by the state showed that many of the pigs supplied to Kapowsin originated on industrial farms in neighboring Montana.

On Aug. 13, state records noted that the investigative team — including the C.D.C. and the federal Agriculture Department — was in touch with officials in Montana to discuss gaining access to the farms.

Determining where the outbreak originated would have allowed the team to trace other possibly infected pork, recall it and advise the owners on how to change their practices.

But such investigations are extremely sensitive because the publicity can be bad for business, and because the law protects farmers in such situations. Over all, the government has little authority to collect data on farms.

“We have people in the slaughterhouses every day, all day long,” said Paul Kieker, the acting food safety administrator at the Agriculture Department. “We don’t have a lot of jurisdiction on farms.”

The Food and Drug Administration is charged with collecting antibiotic use data. But farms are not required to provide it, and only do so voluntarily.

As a result, the federal government has no information about the antibiotics used on a particular farm and no way to document the role of the drugs in accelerating resistance.

“I haven’t been on a farm for years,” said Tara Smith, a professor at Kent State University and an expert on the connection between resistance and livestock. “They’ve closed their doors to research and sampling.”

Investigators Are Turned Away

Dr. Lindquist, the epidemiologist leading the investigation of the Washington outbreak, pleaded with Montana’s health agency to help him gain access to the farms that had supplied the Kapowsin slaughterhouse.

In a memo to state officials, he told them that such infections were increasing rapidly and that “on-farm investigations will help us better understand the ecology of salmonella” and “prevent future human illnesses.”

Days later, he received a phone call from Dr. Liz Wagstrom, the chief veterinarian for the National Pork Producers Council, a group that lobbies on behalf of the livestock industry. Its campaign donations to congressional candidates have more than doubled in the past decade, to \$2 million in 2018, according to the Center for Responsive Politics.

Dr. Wagstrom sought to find out what Dr. Lindquist had learned in his investigation and what he was saying to the media, he said, recalling the conversation. He said she was worried the pig farms might be unfairly tarnished, arguing that salmonella was common on farms, so an investigation wouldn’t prove anything, even if the infection was detected.

In an interview, Dr. Wagstrom said she was concerned that farm visit wouldn’t yield valuable information. “What would you learn that could positively impact public health?”

The industry soon became more involved. Officials from the National Pork Board joined regular crisis conference calls during the investigation, along with numerous state and federal health and agriculture officials.

The board is a group of pork industry executives whose members are elected by the industry and then appointed by the secretary of agriculture, cementing a tight bond between business and government.

Dr. Lindquist initially welcomed the executives’ presence, given their expertise, though he did not know who had initially invited them.

Dr. Scott Lindquist, the Washington epidemiologist who led the investigation of the tainted pork. Wigan Ang for The New York Times

Rules With Big Loopholes

That same year, F.D.A. guidelines went into effect that were supposed to enable the tracking of antibiotics on farms. They required farms to obtain prescriptions from veterinarians to dispense antibiotics, and only to animals sick or at risk of illness. The guidelines said that farms must stop using antibiotics as “growth promoters.”

But the rules have loopholes, which were highlighted a year earlier when officials from the F.D.A., C.D.C., the Agriculture Department and the Pew Charitable Trusts met at the University of Tennessee. The group heard from Thomas Van Boeckel, an expert in statistical modeling and antibiotic resistance who was then at Princeton.

Dr. Van Boeckel told the group that he could build maps showing changing levels of antibiotic use on farms and compare them with changing levels of resistance.

To do so, he said, he needed data sets by region or, better yet, by farm.

“I was told there was a single data point per year, literally,” he said.

That data point: Around 33 million pounds of medically important antibiotics, a 26 percent increase from 2009, were sold in the United States for farm use. The figure, collected from sales data by the F.D.A., was the sum total of the information they were able to provide him.

Dr. Van Boeckel told the group that without more specific information, he couldn’t do any real measurement.

“They said: Yeah, that’s going to be challenging.”

A page from the Washington Agriculture Department's report, which included images of Kapowsin Meats.

As the end of August neared, Mikayla Porter had stabilized, but in Washington State, the salmonella caseload continued to grow.

On Aug. 26, Kapowsin agreed to cease operations, in cooperation with the state. The next day, there was a recall of 523,380 pounds of its pork products.

At the same time, the Montana Pork Producers Council wrote to the Washington health agency, saying it was “clear that there is little to no value in conducting on-farm investigations,” and that investigators should focus on slaughterhouses.

Anne Miller, the council's executive director, said she did not appreciate that the researchers were coming at a time of crisis. “The trick to getting good information is get research before you get to that situation,” she said. “Why hadn't this been done prior?”

She spoke to pork producers in the state, and some expressed concern about being unfairly blamed for the outbreak, worried that government officials seeking information on their farms could unfairly tarnish their image and business.

Mr. Hofer, of the farm in Conrad, said in a phone interview that he objected strongly to the investigation.

“I was animated about that,” he said. “Let's say they found something — it probably would have screwed up some other markets we had.”

Mr. Hofer said his farm provided pigs to Kapowsin but did not know if the sales had overlapped with the outbreak. He said it was clear to him that the slaughterhouse was to blame. “There was salmonella all over that plant.”

On Aug. 28, the National Pork Producers Council sent Washington State a follow-up letter concurring with Ms. Miller.

“I know that you do not want any inadvertent negative consequences to farms as a result of this proposed on-farm sampling,” Dr. Wagstrom wrote in the letter.

Ms. Miller and others in the industry said farms could provide voluntary information on antibiotic use, but they have taken a hard line on government access because of fears that individual farms would be singled out for a complex problem with multiple causes.

The position stuns some scientists.

“So let's not do anything to give anyone a bad reputation, including any bad behavior?” asked Dr. James Johnson, a professor at the University in Minnesota and an expert in resistant infections. “The people who stand to benefit from having everyone remain ignorant are the ones who protest the loudest.”

Mikayla with her mother, Rose Porter, and one of their chickens in Rainier, Wash. Ruth Fremson/The New York Times

That September, Dr. Lindquist still hoped his team would get the go-ahead to take samples from the five farms thought to have been possible sources for the outbreak, but it never came.

“I don’t know even to this day why this got stymied,” he said.

He said he did not know that Ms. Miller, the head of the Montana Pork Council, had contacted the farms and been told they would not permit a visit from researchers.

The farms officially declined, through her, to comment for this story.

By Sept. 22, the case load had hit 178 known infections, with 29 people hospitalized, but the outbreak was petering out. The investigation ended, Dr. Lindquist said, “with a whimper.”

“During the outbreak, I heard from restaurants, patients, the slaughterhouse, the U.S.D.A., F.D.A., the Department of Agriculture in Washington and Montana, the health department in Montana and the health department in Washington State,” Dr. Lindquist said. “I did not hear from the farms.”

Matt Richtel is a best-selling author and Pulitzer Prize-winning reporter based in San Francisco. He joined The Times staff in 2000, and his work has focused on science, technology, business and narrative-driven storytelling around these issues.

@mrichtel

A version of this article appears in print on Aug. 3, 2019, Section A, Page 1 of the New York edition with the headline: Across Farms, Illness Sleuths Hit Brick Wall

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