

**“THE NEEDS OF THE MANY OUTWEIGH THE NEEDS OF  
THE FEW”:<sup>1</sup>A PLAN FOR A NEW FARM BILL THAT  
PROMOTES THE HEALTH AND WELFARE OF HUMANS  
AND NONHUMAN ANIMALS, AND PROTECTS THE  
PLANET ON WHICH WE LIVE.**

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**ABSTRACT**

The Farm Bill was created in 1933, with the passage of the Agricultural Adjustment Act. The Bill was part of President Franklin D. Roosevelt’s New Deal, designed to assist farmers struggling with low prices during the Great Depression and Dust Bowl era. Thus the era of the farm subsidy was born. Crafted in a different time, with technology, knowledge, science and an economy that today would be considered obsolete, the basic mechanisms, and financial support, have nevertheless lived on.

The myriad of problems that have arisen since that time within an agriculture industry that has flourished on the taxpayer dime could not have been imagined when the Agricultural Adjustment Act passed nearly 100 years ago. The consequences of the current system

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1. STAR TREK II: THE WRATH OF KHAN (Paramount Pictures 1982). Character Spock’s line echoing a core tenet of Utilitarianism, a philosophy also espoused by noted animal advocate and author Peter Singer.

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for turning animals into our food are broad, encompassing human health, animal health, and the livability of our environment.

The initial Farm Bill was created to help feed an economically depressed public by supporting the farmers necessary to feed them. The current Farm Bill has strayed very far from this mission, and now supports a massive agribusiness sector at the expense of the public. This paper will argue the Farm Bill needs to be updated for the current times we live in, to address the needs of Americans living in 2026.

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## PART I. INTRODUCTION

For over seventy years, the Federal Government, and thus the American taxpayer, has been subsidizing the animal agriculture industry.<sup>2</sup> Despite the long list of well-documented, damaging effects linked to Industrial Farm Animal Production (IFAP),<sup>3</sup> the Federal Government continues to subsidize and support the industry. The Farm Bill, which is typically reauthorized every five to seven years, funds IFAP.<sup>4</sup> The current Farm Bill expired on September 30, 2025, and requires legislative action to continue funding.<sup>5</sup>

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2. DANIEL IMHOFF & CHRISTINA BADARACCO, *THE FARM BILL: A CITIZENS' GUIDE* 8 (2019) [hereinafter *Imhoff & Badaracco*].

3. Letter from D'Ann L. Williams & Robert Martin, Johns Hopkins Ctr. for a Livable Future, to Adam Mason, Senior Manager, Farm Animal Welfare & Envtl. Policy, Am. Soc'y for the Prevention of Cruelty to Animals (Feb. 3, 2023) [hereinafter *Williams*]; PEW COMM'N ON INDUS. FARM ANIMAL PROD., *PUTTING MEAT ON THE TABLE: INDUSTRIAL FARM ANIMAL PRODUCTION IN AMERICA* (2008) [hereinafter *Pew Report*].

4. RENEE JOHNSON & JIM MONKE, CONG. RSCH. SERV., IF12047, *FARM BILL PRIMER: BACKGROUND AND STATUS* (2024) [hereinafter *Farm Bill Primer*].

5. *Farm Bill Home*, U.S. DEP'T OF AGRIC., <https://www.fsa.usda.gov/tools/informational/farm-bill> (last visited Feb. 8, 2026).

Taxpayer-funded government subsidies contribute to a significant amount of IFAP industry profit, with estimates ranging from 20%<sup>6</sup> to as high as 40%<sup>7</sup> of farm income. The Environmental Working Group estimated the total dollar amount of subsidies from 2018 to 2020 at \$91.6 billion.<sup>8</sup> The projected ten-year expenditure for the next Farm Bill exceeds \$1.6 trillion.<sup>9</sup> Another ten years of financing IFAP is not the best way to invest \$1.6 trillion in taxpayer money. Now more than ever, with a government intent on reducing wasteful spending,<sup>10</sup> we have an opportunity to invest taxpayer money more judiciously. The Federal Government's choice to spend billions of dollars annually to prop up IFAP comes with devastating costs for society.<sup>11</sup> It is time to end farm subsidies in their current form. It is time to stop asking the taxpayer to finance an industry that causes so much harm, namely to the very taxpayers providing the funding.

The current IFAP system:

- a) is toxic to the environment: a major contributor to greenhouse gases (GHG), air pollution, and water pollution, all of which are very poorly regulated;<sup>12</sup>
- b) relies on the inhumane treatment of animals daily;<sup>13</sup>

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6. *Farm Income Data Debunks Subsidy Myths*, ENVTL. WORKING GRP. (May 12, 2010), <https://www.ewg.org/news-insights/news/farm-income-data-debunks-subsidy-myths>.

7. LIZA GRANDIA, *KERNELS OF RESISTANCE: MAIZE, FOOD SOVEREIGNTY AND COLLECTIVE POWER* (2024).

8. *EWG Analysis: From 2018 to 2020, Farmers Reaped \$91.6B in Taxpayer-Funded USDA Subsidies*, ENVTL. WORKING GRP. (Jun. 22, 2022), <https://www.ewg.org/news-insights/news-release/2022/06/ewg-analysis-2018-2020-farmers-reaped-916b-taxpayer-funded-usda>.

9. JOHNSON & MONKE, *supra* note 4.

10. U.S. DEP'T OF GOV'T EFFICIENCY, [www.doge.gov](http://www.doge.gov) (last visited Apr. 28, 2025).

11. DOUG GURIAN-SHERMAN, *CAFOS UNCOVERED: THE UNTOLD COSTS OF CONFINED ANIMAL FEEDING OPERATIONS* (2008) [hereinafter *Union of Concerned Scientists Report*].

12. Randall S. Abate, *Anthropocene Accountability Litigation: Confronting Common Enemies to Promote a Just Transition*, 46 COLUM. J. ENVTL. L. 225 (2021).

- c) has been linked to cancer in humans, including children;<sup>14</sup>
- d) facilitates the spread of antibiotic resistance, considered a global health problem by the World Health Organization (WHO);<sup>15</sup>
- e) is a breeding ground for zoonoses like SARS-CoV-2, swine flu, and bird flu; and<sup>16</sup>
- f) leads to production of food that sickens humans: consumption of beef, pork, and chicken from Concentrated Animal Feeding Operations (CAFOs) is associated with higher rates of many diseases in humans, including cancer and heart disease.<sup>17</sup>

“The first duty of the government is to afford protection to its citizens.”<sup>18</sup>

The current system, whereby the Government invests taxpayer dollars in IFAP, is harming its citizens and the planet on which they live. This is the *opposite* of “the first duty” of the Government, going back to the nineteenth century. With the Farm Bill, our Government

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13. COMPASSION IN WORLD FARMING, [www.ciwf.org](http://www.ciwf.org) (last visited Nov. 23, 2025).

14. Jared A. Fisher et al., *Residential Proximity to Intensive Animal Agriculture and Risk of Lymphohematopoietic Cancers in the Agricultural Health Industry*, 31 EPIDEMIOLOGY 478 (2020); Benjamin James Booth et al., *Agricultural Crop Density and the Risk of Childhood Cancer in the Midwest United States*, 14 ENVTL. HEALTH 82 (2015).

15. *Antimicrobial Resistance*, WORLD HEALTH ORG. (Nov. 21, 2023), <https://www.who.int/news-room/fact-sheets/detail/antimicrobial-resistance>.

16. Helena Masiello, *CAFOs are a Public Health Crisis: The Creation of COVID-19*, 76 U. MIAMI L. REV. 900 (2022); James E. Hollenbeck, *Interaction of the Role of Concentrated Animal Feeding Operations (CAFOs) in Emerging Infectious Diseases (EIDs)*, 38 INFECT. GENET. EVOL. 44, 44–46 (2015).

17. Jeff Sebo et al., *Towards a Global Ban on Industrial Animal Agriculture by 2050: Legal Basis, Precedents and Instruments*, 54 ENVTL. L. 599 (2015) [hereinafter *Sebo*].

18. CONG. GLOBE, 39th Cong., 2d Sess. 101 (1867) (remarks of Rep. Farnsworth) (debating the Reconstruction Act of 1867).

has strayed so far from one of its most basic purposes. I will outline a plan to course-correct.

In Part II, I will describe the damage caused by IFAP. I will break this down into categories of negative outcomes: a) making humans sicker, b) causing immense animal suffering, c) inflicting economic damages, and d) degrading the environment.

In Part III, I will explore the Farm Bill, including a brief history of the Bill, followed by a discussion of the subsidies.

In Part IV, I will make the case for why farm subsidies should be eliminated from the Farm Bill, and where funding should instead be diverted. I will show how the current system of subsidies uses taxpayer dollars to prop up a food production system that ravages the environment, causes unimaginable suffering to the animals that are turned into food, and continues to make humans sicker. I will detail a new, reimagined Farm Bill that supports a food production system that does not rely on systemic animal suffering, does not degrade the environment, and promotes human health, rather than disease and death.

In Part V, I will raise predictable objections and obstacles to implementation and provide rebuttals: What about the IFAP farmers and all the demand for the food they produce? How will we feed America? The solutions involve reducing demand, investing in a more sustainable agriculture system, and subsidizing the production of food that does not harm animals, the environment, or the humans the system is designed to feed. Is the elimination of Industrial Animal Agriculture subsidies possible? Using similar examples (precedent), I will show that it is possible. Major shifts in what the Government decides to prioritize and subsidize have changed and can change again.

I will conclude with Part VI.

## **PART II. NEGATIVE IMPACTS OF CAFOS**

The Farm Bill not only fails to serve the public good, but it also causes measurable and irreversible harm. While some overlap exists, its harms can be broken into:

- A) HARM TO HUMANS,
- B) HARM TO ANIMALS,
- C) HARM TO THE ECONOMY, and
- D) HARM TO THE ENVIRONMENT.

### A) HARM TO HUMANS

IFAP is a persistent threat to public health.<sup>19</sup> As a result of CAFOs, humans are subjected to unnecessary risks of developing the following conditions:

1. Antimicrobial Resistance<sup>20</sup>,
2. Zoonoses (infections from animals, including those with pandemic potential like avian influenza)<sup>21</sup>,
3. Cancer<sup>22</sup> and Death<sup>23</sup>.

Health experts and medical scientists have been warning for years that factory farming creates a fertile breeding ground for antibiotic resistance and “super-viruses” that affect the health and safety of all humans.<sup>24</sup>

#### 1. Antimicrobial Resistance

The WHO labelled antimicrobial resistance (AMR) as one of the top public health threats to the planet and recognized IFAP as a significant driver of the problem.<sup>25</sup> The consequences of AMR are far-reaching, leading to an estimated 4.95 million deaths in 2019

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19. Sebo, *supra* note 17, at 608.

20. *Id.* at 600.

21. *Id.*

22. Fisher, *supra* note 14.

23. Sebo, *supra* note 17, at 609.

24. Masiello, *supra* note 16, at 915.

25. WORLD HEALTH ORG. (WHO), GLOBAL ANTIMICROBIAL RESISTANCE AND USE SURVEILLANCE SYSTEM (GLASS) REPORT 2022 (2022).

alone.<sup>26</sup> The costs are not just in terms of the human death toll. The World Bank estimates that AMR could result in \$1 trillion in additional healthcare costs by 2050, and up to a \$3.4 trillion reduction in GDP by 2030.<sup>27</sup>

Industrial animal agriculture farms are synthetic ecosystems that provide the perfect setting for the development and dissemination of antibiotic resistance.<sup>28</sup> Antibiotics are often added to animal feed to curb the spread of disease and limit unnecessary animal deaths.<sup>29</sup> Antibiotic-resistant bacteria then get passed along to humans, entering our food chain directly through the meat we consume and indirectly through the manure of the animals, which leaches into our soil and drinking water.<sup>30</sup> The unsanitary conditions, close unnatural confinement, high stress, poor waste management, and contamination of both the air and water contribute to the problem of disease transmission from animals to humans.<sup>31</sup>

We may not think of bacteria contaminating the meat we consume. It is, however, extremely common.<sup>32</sup> *The Guardian* reported in 2020 that 80% of chicken and 90% of turkey were contaminated with the bacterium *Escherichia coli*, normally found in the stool (of animals and humans) and a common cause of blood and urinary infections.<sup>33</sup>

It is difficult to imagine a scenario more amenable to the proliferation of AMR and its spread to humans than that created by IFAP. The industry indiscriminately administers antibiotics to the

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26. Antimicrobial Resistance Collaborators, *Global Burden of Bacterial Antimicrobial Resistance in 2019: A Systematic Analysis*, 399 *LANCET* 629 (2022).

27. See WORLD BANK GRP., *DRUG-RESISTANT INFECTIONS: A THREAT TO OUR ECONOMIC FUTURE* (2017), <https://documents1.worldbank.org/curated/en/323311493396993758/pdf/final-report.pdf> (describing the various factors used to arrive at this estimate, including the impacts of AMR on workers, the labor supply, and food production).

28. Abigail L. Manson et al., *Chicken Meat-Associated Enterococci: Influence of Agricultural Antibiotic Use and Connection to the Clinic*, 85 *APPL. ENVTL. MICROBIO.* 1 (2019), <https://journals.asm.org/doi/epub/10.1128/aem.01559-19>.

29. Imhoff & Badaracco, *supra* note 2.

30. Masiello, *supra* note 16, at 923.

31. Masiello, *supra* note 16, at 907.

32. Tom Levitt & Lewis Kendall, *Unacceptable Bacteria Levels Found on US Meat May Fuel Fears Over UK Trade Deal*, *THE GUARDIAN* (Oct. 10, 2020), <https://www.theguardian.com/environment/2020/oct/10/unacceptable-bacteria-levels-found-on-us-meat-may-fuel-fears-over-uk-trade-deal>.

33. *Id.*

animals.<sup>34</sup> The animals, housed in tightly confined spaces, are often trapped in the manure of other nearby animals.<sup>35</sup> The manure (full of bacteria, potentially antibiotic-resistant ones) then leaches into the soil, into our drinking water, and is sprayed in the air as a waste-management technique.<sup>36</sup>

CAFOs feed the global problem of AMR and are indirectly responsible for human death.<sup>37</sup> The WHO has urged the cessation of antibiotic use in healthy animals to prevent the spread of AMR.<sup>38</sup>

## 2. Zoonoses

“It is difficult to make predictions, especially about the future.”<sup>39</sup>

In 1948, U.S. Secretary of State George Marshall declared that the victory over infectious diseases was imminent.<sup>40</sup> Sixty-two years later, the WHO declared that new diseases are emerging at an unprecedented rate.<sup>41</sup> According to the CDC, 75% of new and emerging infections in humans originate from animals.<sup>42</sup>

The risk of pandemics continues to increase, due in part to increasing animal-human contact.<sup>43</sup> The Food and Agriculture

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34. Michael J. Martin et al., *Antibiotics Overuse in Animal Agriculture: A Call to Action for Health Care Providers*, 105 AM. J. PUB. HEALTH 2409 (2015).

35. Masiello, *supra* note 16, at 903–4.

36. Nate Seltenrich, *Manure Irrigation: Environmental Benefits, Potential Human Health Risks*, 125 ENVTL. HEALTH PERSPS. 124004-1 (2017).

37. WORLD HEALTH ORG., *supra* note 15.

38. *Id.*

<sup>39</sup> Major League Baseball legend Yogi Berra, year unknown.

40. J. Whitman, *Political Processes and Infectious Diseases*, in *THE POLITICS OF EMERGING AND RESURGENT INFECTIOUS DISEASES* (2000).

41. *International Spread of Disease Threatens Public Health Security*, WORLD HEALTH ORG. (Dec. 8, 2010), <https://www.who.int/news/item/08-12-2010-international-spread-of-disease-threatens-public-health-security>.

42. *About Zoonotic Diseases*, CTRS. FOR DISEASE CONTROL & PREVENTION, [https://www.cdc.gov/one-health/about/about-zoonotic-diseases.html?CDC\\_AAref\\_Val=https://www.cdc.gov/onehealth/basics/zoonotic-diseases.html](https://www.cdc.gov/one-health/about/about-zoonotic-diseases.html?CDC_AAref_Val=https://www.cdc.gov/onehealth/basics/zoonotic-diseases.html) (last visited Jan. 28, 2025).

43. Abraham Haileamlak, *Pandemics Will Be More Frequent*, 32 ETHIOP. J. HEALTH SCI. 228 (2022), <https://pmc.ncbi.nlm.nih.gov/articles/PMC9175207/pdf/EJHS3202-0228.pdf>.

Organization of the United Nations (FAO) stated that the rising demand for animal food is the single biggest risk factor in the creation of zoonotic disease.<sup>44</sup>

Inside a CAFO, zoonotic diseases can spread from animals to workers through the air, untreated waste, water, and direct contact with bodily fluids.<sup>45</sup> The pathogens then spread from the farmed animals and/or the workers to the community, where they can cause infection in humans.<sup>46</sup> Examples of zoonoses from the recent past include SARS-CoV-2 (the virus that caused COVID-19), Swine Flu (2009 H1N1 pandemic), and most recently Avian Influenza (H5N1, “bird flu”).

While H5N1 has demonstrated a remarkable ability to adapt and infect multiple species, including cats and, for the first time ever, dairy cattle, the infection of pigs raises an alarm.<sup>47</sup> Emergence of novel influenza strains with pandemic potential in humans is possible when mixing of human, swine, and avian influenza strains occurs within an infected pig.<sup>48</sup> Influenza RNA segments from different species can recombine and mutate, creating novel influenza viruses with pandemic potential.<sup>49</sup> Following such a “mixing event,” a spillover of this novel influenza strain into the human population can then occur.<sup>50</sup> We last saw such a mixing event with the “triple reassortment”<sup>51</sup> that occurred leading up to the 2009 H1N1 Influenza pandemic.<sup>52</sup>

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44. WORLD HEALTH ORG. et al., REPORT OF THE WHO/FAO/OIE JOINT CONSULTATION ON EMERGING ZOO NOTIC DISEASES (2004), [https://iris.who.int/bitstream/handle/10665/68899/WHO\\_CDS\\_CPE\\_ZFK\\_2004.9.pdf](https://iris.who.int/bitstream/handle/10665/68899/WHO_CDS_CPE_ZFK_2004.9.pdf).

45. Masiello, *supra* note 16, at 908.

46. *Id.*

47. Helen Branswell, *Bird Flu Found In A Pig In The U.S. For The First Time, Raising Concerns About Potential Risks To Humans*, STAT (Oct. 20, 2024), <https://www.statnews.com/2024/10/30/h5n1-bird-flu-found-in-oregon-pig-reassortment-threat-human-transmission/>; Valerie LeSage et al., *Potential pandemic risk of circulating swine H1N2 influenza viruses*, 15 NATURE COMMUN. 1 (2024), <https://www.nature.com/articles/s41467-024-49117-z>.

48. Thomas C. Moore et al., *CAFOs, Novel Influenza And The Need For One Health Approaches*, 13 ONE HEALTH 1 (2021).

49. *Id.*

50. *Id.*

51. “Triple reassortment” is defined as a process whereby, following infection from three different viruses, genetic segments from the three different viruses combine and yield a brand-new viral strain composed of genetic material from the

The high densities of animals that are routine in CAFOs, in conjunction with the manure-infested living conditions, the stress, and the lack of genetic diversity, create an ideal breeding ground for the evolution and transmission of zoonotic diseases<sup>53</sup> including influenza, as above. The high level of stress (which is the industry standard) weakens the animals' immune systems.<sup>54</sup> They are more susceptible to infection, thus increasing the risk of transmission to other animals and to humans.<sup>55</sup> In short, IFAP drives the emergence of zoonoses.<sup>56</sup>

Inside CAFOs, pathogens can spread with a level of efficiency not seen in nature.<sup>57</sup> The rapid expansion of CAFOs represents the most significant change in the emergence of infectious diseases.<sup>58</sup> If one were to design a system with the aim of spreading and circulating a deadly infectious disease, it would look like a CAFO.<sup>59</sup> Keeping thousands of animals in close confinement with little genetic diversity, limited air flow, high levels of stress, and poor hygiene is an ideal set-up for the spread of lethal pathogens.<sup>60</sup> Either a CAFO or

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three separate viruses. See Vivek Shinde et al., *Triple-Reassortant Swine Influenza A (H1) in Humans in the United States, 2005–2009*, 360 NEW ENGLAND J. MED. 2616 (2009).

52. Wenjun Ma et al., *North American Triple Reassortant and Eurasian H1N1 Swine Influenza Viruses Do Not Readily Reassort to Generate a 2009 Pandemic H1N1-Like Virus*, 5 MBIO. 1 (2014).

53. Masiello, *supra* note 16, at 902.

54. Lewis W. Smith, *Helping Industry Ensure Animal Well-Being*, AGRIC. RSCH. (Mar. 2005), <https://agresearchmag.ars.usda.gov/ar/archive/2005/mar/form0305.pdf>.

55. Roberto A. Saenz et al., *Confined Animal Feeding Operations as Amplifiers of Influenza*, 6 VECTOR BORNE ZOONOTIC DIS. 338 (2006).

56. Matthew N. Hayek, *The Infectious Disease Trap of Animal Agriculture*, 8 SCI. ADV. 1 (2022).

57. ANN LINDER ET AL., ANIMAL MARKETS AND ZOONOTIC DISEASE IN THE UNITED STATES, <https://animal.law.harvard.edu/wp-content/uploads/Animal-Markets-and-Zoonotic-Disease-in-the-United-States.pdf>.

58. Bryony A. Jones et al., *Zoonosis Emergence Linked to Agricultural Intensification and Environmental Change*, 110 PROC. NAT'L ACAD. SCI. U.S.A. 8399, 8399–8404 (2013).

59. Linder, *supra* note 57.

60. *Id.*

a live animal market will likely be the epicenter of the next pandemic.<sup>61</sup>

“It’s not a question of if, it’s more a question of when we will have a bird flu pandemic.”<sup>62</sup>

In conclusion, the unsanitary constellation of circumstances in IFAP should not just be a cause for concern, but also a call to action. The administration of unneeded antibiotics foments AMR. The close confinement these animals are kept in, combined with their susceptibility to infection, only potentiates the pandemic possibility for viruses like influenza. The conditions in CAFOs are ripe for the development of novel mutations and the creation of a new virus that has the potential to become more transmissible and more lethal, and lead to the next pandemic. The public health risk is great. The Federal Government has a duty to intervene. At a minimum, the Government should not be contributing to this process.

### 3. Cancer and Death

Living near, or working at, a CAFO has been linked to a variety of cancers.<sup>63</sup> Consumption of the products from IFAP (i.e., meat) directly causes disease. The WHO’s International Agency for Research on Cancer (IARC) report stated that consumption of processed meat causes cancer, and labelled it a Group 1 carcinogen—the same category as tobacco and asbestos.<sup>64</sup> The same study also reported on the many health consequences linked to consumption of (non-processed) red meat.<sup>65</sup> In addition to causing cancer of the colon, stomach, pancreas, and prostate, high consumption of both

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61. Hollenbeck, *supra* note 16, at 44–46.

62. NEWSNATION, *Dr. Redfield: “We Will Have a Bird Flue Pandemic”* (YouTube, Jun. 14, 2024), <https://www.youtube.com/watch?v=QGsM9IgVAJo>.

63. Fisher, *supra* note 14, at 478.

64. Press Release, Int’l Agency for Rsch. on Cancer, IARC Monographs Evaluate Consumption of Red Meat and Processed Meat, World Health Org. (WHO) Press Release No. 240 (Oct. 26, 2015), [https://www.iarc.who.int/wp-content/uploads/2018/07/pr240\\_E.pdf](https://www.iarc.who.int/wp-content/uploads/2018/07/pr240_E.pdf).

65. *Id.*

processed and red meat was also shown to increase the risk of death, as well as chronic diseases like heart disease, diabetes, and stroke.<sup>66</sup>

Agricultural production in the United States results in an estimated 17,900 annual air quality-related deaths, 15,900 of which are from food production.<sup>67</sup> Of those, 80% are attributable to animal-based foods, both directly from animal production and indirectly from growing animal feed.<sup>68</sup> The deaths are largely driven by toxic ammonia emissions, primarily from livestock waste and fertilizer application.<sup>69</sup>

The human health toll, including the risk of death related to the raising and consumption of farmed animals, cannot be ignored. The current IFAP system contributes to higher risks of cancer, heart disease, and death. These risks must be addressed in the interest of public health.

## B) HARM TO ANIMALS

The treatment of animals is important to the public. The vast majority of Americans—83% of Democrats and 77% of Republicans—believe cruelty to farm animals is a moral concern.<sup>70</sup> One poll found that 82% of Americans believe there should be laws to protect farm animals from cruelty.<sup>71</sup> Increasing public awareness about the routine conditions for animals kept in CAFOs raised for food has led to consumer demand for changes in how animals are treated.<sup>72</sup> The extreme stresses on farmed animals are both physical and mental. Physically, for example, chickens are forced to live in battery cages and pigs in gestation crates. “Standard” industry

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66. Harv. T.H. Chan Sch. of Pub. Health, *WHO Report Says Eating Processed Meat Is Carcinogenic: Understanding the Findings*, THE NUTRITION SOURCE (Nov. 3, 2015), <https://nutritionsource.hsph.harvard.edu/2015/11/03/report-says-eating-processed-meat-is-carcinogenic-understanding-the-findings/>.

67. Nina G. Domingo et al., *Air-Quality-Related Health Damages of Food*, 118 PROC. NAT’L ACAD. SCI. U.S.A. 1 (2021).

68. *Id.*

69. *Id.*

70. Justin Marceau, Wayne Hsiung & Steffen Seitz, *Voluntary Prosecution and the Case of Animal Rescue*, 137 HARV. L. REV. 213, 233 (2024).

71. *Nationwide Views On The Treatment Of Farm Animals*, FAUNALYTICS (Jul. 20, 2019), <https://faunalytics.org/nationwide-views-on-the-treatment-of-farm-animals/>.

72. Pew Report, *supra* note 3, at 31.

practice on the farms includes castration of pigs without anesthesia, debeaking of chickens, and dehorning of dairy cows.<sup>73</sup> The animals are unable to perform their natural species-specific behaviors.<sup>74</sup> For chickens, for example, specific behaviors would include nesting, dust bathing, or even just spreading their wings.<sup>75</sup> Pigs crammed into gestation crates (barely larger than their bodies) cannot even turn around.<sup>76</sup> The high-stress state these animals are in leads them to behaviors not seen in the wild.<sup>77</sup> Pecking other animals, self-mutilation, and repetitive motions, indicative of boredom, frustration, and depression, are routine.<sup>78</sup> Sometimes, in this highly stressed state, they can also try to attack or bite other animals.<sup>79</sup>

The industry response to this, rather than addressing the root causes—close confinement, immobility, and high stress—is to mutilate the animals.<sup>80</sup> The animals are forced to undergo tail docking, beak clipping, teeth grinding, and other mutilations, as part of efforts to “keep them safe,” often without anesthesia.<sup>81</sup>

Other concerns include deprivation of even more basic freedoms, such as freedom from hunger, freedom from thirst, and freedom from pain, as endorsed by Brambell’s “Five Freedoms” report sixty years ago.<sup>82</sup> The Five Freedoms have been considered the basis of animal welfare going back to the 1960s.<sup>83</sup> The Five Freedoms include:

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73. ANIMAL LEGAL DEF. FUND, COVID-19 AND FACTORY FARMING: RETHINKING OUR RELATIONSHIP WITH FARMED ANIMALS TO REDUCE THE LIKELIHOOD OF THE NEXT PANDEMIC AND REFORM THE FOOD SYSTEM 1, 9 (Nov. 2020) [hereinafter *ALDF*].

74. *Id.*

75. *Id.*

76. *Id.* at 8.

77. *Id.* at 9.

78. *Id.*

79. *Id.*

80. *Id.*

81. *Id.*

82. F.W.R. BRAMBELL, REPORT OF THE TECHNICAL COMMITTEE TO ENQUIRE INTO THE WELFARE OF ANIMALS KEPT UNDER INTENSIVE LIVESTOCK HUSBANDRY SYSTEMS (Dec. 1965). These are often considered to be the basis for animal welfare. See also Melissa Elischer, *The Five Freedoms: A History Lesson in Animal Care and Welfare*, MICH. STATE UNIV. EXTENSION (Sept. 6, 2019), <https://www.canr.msu.edu/news/an-animal-welfare-history-lesson-on-the-five-freedoms>.

83. Elischer, *supra* note 82.

- 1) The Freedom from Hunger and Thirst,
- 2) The Freedom from Discomfort,
- 3) The Freedom from Pain, Injury and Disease,
- 4) The Freedom to Express Normal Behavior, and
- 5) The Freedom from Fear and Distress.

The Freedoms are often used as a basis for drafting animal care protocols for many professional groups and are endorsed by the American Veterinary Medical Association and the World Organization for Animal Health, among others.<sup>84</sup>

The animals are also fed artificial diets out of convenience. Instead of being fed forage, they are routinely fed grain, which their bodies are not designed to consume.<sup>85</sup> Periodic starvation, referred to as “restricted feeding,” is also a routine practice.<sup>86</sup> Chickens are fed less food than their bodies are designed to eat in an effort to increase their growth rate.<sup>87</sup> The starvation practice unsurprisingly results in significant adverse physiological and psychological effects.<sup>88</sup> The animals are in a constant state of hunger and experience frustration.<sup>89</sup> Objective manifestations of the poor welfare state and chronic stress include elevated stress hormone levels, abnormal repetitive behaviors, severe feather pecking, feather loss, and abnormally high water consumption.<sup>90</sup> The harms to animals in CAFOs are extensive and severe.

### C) HARM TO THE ECONOMY

The economic costs to society, directly and indirectly related to IFAP, are difficult to comprehend. One report from 2019 estimated the annual cost globally at \$12 trillion.<sup>91</sup>

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84. *Id.*

85. Domingo et. al., *supra* note 67.

86. *Id.*

87. Aitor Arrazola and Stephanie Torrey, *Welfare and Performance of Slower Growing Broiler Breeders During Rearing*, 100 POULTRY SCI. 1 (2021).

88. *Id.*

89. *Id.*

90. *Id.*

91. Damian Carrington, *\$1m a Minute: The Farming Subsidies Destroying the World — Report*, THE GUARDIAN (Sept. 16, 2019), <https://www.theguardian.com/environment/2019/sep/16/1m-a-minute-the-farming-subsidies-destroying-the-world>.

This translates to \$1 MILLION being spent *every single minute*.<sup>92</sup> This estimate includes costs incurred as a result of subsidies to the agriculture industry, as well as environmental degradation and cleanup,<sup>93</sup> and healthcare costs.<sup>94</sup> The report also noted that a shift to a more sustainable method of healthy food production could unleash \$4.5 trillion in new economic opportunities each year.<sup>95</sup> Another estimate puts public health costs in the U.S., from overuse of antibiotics in animal feed alone, at up to \$3 billion annually.<sup>96</sup> The economic harms incurred by CAFOs should not be overlooked. While these economic harms should not be the sole driving force inciting action on the issue, these harms are likely to lend further support to the changes being recommended in this paper.

#### D) HARM TO THE ENVIRONMENT

“Market dominance is not built on greater efficiency, but rather the ability to pollute and get away with it . . . . If existing environmental laws were enforced . . . (the CAFOs) simply couldn’t compete.”<sup>97</sup>

IFAP is extremely toxic to the environment. The negative environmental impacts resulting from IFAP reach broadly and include climate change, contamination of land, soil, air, and water, and a reduction in biodiversity.<sup>98</sup> These problems should rank as one of the leading focuses for environmental policy.<sup>99</sup> IFAP contributes

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92. *Id.* (emphasis added).

93. Such as manure contamination of lakes, rivers, and our drinking water. See JoAnn M. Burkholder et al., *Impacts of Waste from Concentrated Animal Feeding Operations on Water Quality*, 115 ENVTL. HEALTH PERSPS. 308 (2007).

94. For the management of diseases directly linked to the consumption of animal products such as cancer, heart disease, diabetes, and obesity.

95. Carrington, *supra* note 91.

96. *Supra* note 8, at 3.

97. Robert F. Kennedy, Jr., *quoted in* CAFO: THE TRAGEDY OF INDUSTRIAL ANIMAL FACTORIES (Daniel Imhoff ed., 2010).

98. See HENNING STEINFELD ET AL., *LIVESTOCK’S LONG SHADOW: ENVIRONMENTAL ISSUES AND OPTIONS* (2006).

99. *Id.*

to an estimated 14.5% to 20% of global greenhouse gas emissions.<sup>100</sup> The emissions include an outsized proportion of “super pollutants”, nitrous oxide and methane, which are more damaging than CO<sub>2</sub>.<sup>101</sup> The amount of manure produced by CAFOs creates a perpetual waste management problem,<sup>102</sup> resulting in pollution of air and drinking water.

The production of meat occupies 77% of planetary land, yet meat only makes up 18% of global calories consumed, accounting for a mere 37% of global protein consumption.<sup>103</sup> Twenty-six percent of the planet’s land surface is for grazing animals.<sup>104</sup> In the US, 52% of the land is used for agriculture,<sup>105</sup> but only makes up less than 17% of all calories consumed.<sup>106</sup> Raising animals for food is staggeringly inefficient.<sup>107</sup> If we converted all the land being used for animal agriculture to growing plant-based foods, we could feed 350 million *more* people with it and consume fewer resources.<sup>108</sup> Also consider that animal agriculture has an enormous water footprint. It takes 1,850 gallons of water to produce a pound of beef; cattle feed alone accounts for 23% of national water consumption.<sup>109</sup> For comparison,

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100. Daina Bray, *Reigning in Animal Agriculture's Emissions by Shrinking the Herd: Early Signs of a Necessary Global Policy Shift*, 54 ENVTL. L. 489, 495 (2024).

101. *Id.*

102. See Randall S. Abate, *Putting Lipstick on a Pig: Biogas, Methane Digesters, and the Greenwashing Playbook*, 54 ENVTL. L. 545 (2024).

103. Hannah Ritchie, *50% Of All Land In The World Is Used To Produce Food*, WORLD ECON. F. (Dec. 11, 2019), <https://www.weforum.org/stories/2019/12/agriculture-habitable-land/>.

104. Steinfeld, *supra* note 98, at 280.

105. *Animal Ag Land Use Pressure on Biodiversity*, INSIDE ANIMAL AG, <https://insideanimalag.org/animal-ag-land-use-pressure-on-biodiversity/?utm> (last visited Sept. 17, 2025).

106. Sarah Rehkamp, *A Look at Calorie Sources in the American Diet*, U.S. DEP'T OF AGRIC., ECON. RSCH. SERV. (Dec. 5, 2016), <https://www.ers.usda.gov/amber-waves/2016/december/a-look-at-calorie-sources-in-the-american-diet/> (noting that the reported “less than 17%” of calories from animal products includes fish).

107. J. Poore & T. Nemecek, *Reducing Food's Environmental Impacts Through Producers and Consumers*, 360 SCI. 987, 987–92 (2018).

108. Alon Shepon, *The Opportunity Cost of Animal-Based Diets Exceeds All Food Losses*, 115 PROC. NAT'L ACAD. SCI. 3804 (2018).

109. Daina Bray, *The Climate Problem of Animal Agriculture: What Can Law, Technology and We Do About It?*, 20 THE SCITECH LAWYER 1, 13 (2023).

it takes an estimated eighty-four gallons of water to produce one avocado<sup>110</sup> and about fifty gallons to produce one pound of peanuts.<sup>111</sup> The above are just two examples of how plant agriculture consumes significantly less water than does animal agriculture.

In conclusion, the damaging effects of CAFOs are far-reaching and touch nearly every part of the Earth. They are a breeding ground for infections, cancer, and other serious medical conditions. They cause incalculable animal suffering that most Americans oppose. They are destroying our planet. And finally, they lead to massive economic damage despite poor regulatory oversight. For these reasons, it is time for a change.

### PART III: THE FARM BILL

The Farm Bill may be the most important legislation most people have never heard of, yet it affects nearly every American every day.<sup>112</sup> Most countries accept that their government needs to be involved in food production and hunger prevention, and that a well-developed agricultural system supports food security.<sup>113</sup> The United States Department of Agriculture (USDA) serves this role in the United States. The USDA has a dual mission: to support the creation of an abundant food supply and ensure all citizens receive basic nutrition.<sup>114</sup> The Farm Bill is the mechanism through which the USDA achieves these objectives.<sup>115</sup>

The Farm Bill is an omnibus multiyear law, typically renewed every five to seven years, that governs and funds a vast array of food and agricultural programs.<sup>116</sup> Originally drafted in 1933 as the Agricultural Adjustment Act, the Farm Bill started as a well-

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110. Louise Voller, *How Much Water Does It Take to Grow an Avocado?*, DANWATCH (Mar. 19, 2017), <https://danwatch.dk/en/how-much-water-does-it-take-to-grow-an-avocado/>.

111. *Peanuts Water Usage*, SOUTHERN PEANUT GROWERS, <https://peanutbutterlovers.com/sustainability/peanuts-water-usage/> (last visited Mar. 1, 2025).

112. Imhoff & Badaracco, *supra* note 2, at 11.

113. *Id.* at 16.

114. *Id.*

115. *Id.*

116. Farm Bill Primer, *supra* note 4.

intentioned and ambitious effort to lift millions of Americans out of poverty during the Great Depression, support the farm-based U.S. economy and its workforce, and reverse the loss of viable lands during the Dust Bowl.<sup>117</sup> While the Bill has taken on many different names over the decades, many still refer to the Bill simply as “the Farm Bill.”<sup>118</sup>

Before delving into my plan to rework the Bill, it is important to have a basic understanding of the Bill’s structure. While a more exhaustive and nuanced delineation of the Farm Bill and all its parts is beyond the scope of this paper, a core understanding is nonetheless warranted here. The Farm Bill is organized into twelve titles to direct funding. For example, Title I is “Commodity Programs,” and Title II is “Conservation.”<sup>119</sup> Despite having twelve titles, Farm Bills routinely have three “thrusts:”<sup>120</sup>

1. Food Nutrition Programs (initially called Food Stamps, now called “SNAP or Supplemental Nutrition Assistance Program) (80% of the budget),
2. Crop insurance and subsidies (including both Title I Commodity Programs and Title V Credit), and
3. Conservation incentives (6% of the budget).

### A) FARM BILL HISTORY

To understand the Bill’s intent and how it can best serve the needs of the public, it is helpful to briefly review the history and demographics of farming in the United States. In 1801, when Thomas Jefferson was president, 95% the population made a full-time living from agriculture.<sup>121</sup> By 1900, 41% of the workforce was employed in

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117. Imhoff & Badaracco, *supra* note 2, at 25.

118. *Id.* at 29.

119. *Farm Bill*, U.S. DEP’T OF AGRIC., <https://www.usda.gov/farming-and-ranching/farm-bill> (last visited Mar. 15, 2025).

120. Imhoff & Badaracco, *supra* note 2, at 27.

121. *Id.*

agriculture.<sup>122</sup> From there, the downtrend continued, so that in 2000, only 1.9% of the employed labor force worked in agriculture.<sup>123</sup> The agrarian-based economy that existed from the earliest days of America yielded, in part, to the “Green Revolution,” as the nation changed to a more urban, industrial, manufacturing society, with fewer farmers needed to produce food.<sup>124</sup> Not unexpectedly, the share of GDP from farming also markedly declined over time. In 1930, agriculture comprised 7.7% of GDP and steadily declined thereafter. In 2002, this number stood at a mere 0.7%.<sup>125</sup>

In 1968, a CBS documentary titled “Hunger in America” shone a light on hunger, nutrition, and civil rights in the nation.<sup>126</sup> Support grew in Congress for Federal nutrition assistance, and by the early 1970s, it became part of the Farm Bill.<sup>127</sup> Initially known as “Food Stamps,” it was deceptively rebranded “SNAP” in 2008 to increase public support<sup>128</sup> and has been part of every farm bill since.<sup>129</sup> It has attempted to ensure that low-income Americans receive a stipend that enables them to obtain a healthy and nutritious diet until they have the means to provide such for themselves.<sup>130</sup>

By the mid-1970s, nearly 20 million Americans were enrolled (around 10% of the population).<sup>131</sup> In fiscal year 2023, that number increased to over 42 million, representing 12.6% of the population.<sup>132</sup>

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122. CAROLYN DIMITRI ET AL., *THE 20TH CENTURY TRANSFORMATION OF U.S. AGRICULTURE AND FARM POLICY*, Econ. Info. Bull. No. 3 (U.S. Dep’t of Agric., Econ. Rsch. Serv. Jun. 2005).

123. *Id.*

124. *Id.*

125. *Id.*

126. Imhoff & Badaracco, *supra* note 2, at 2.

127. *Id.* at 66.

128. Allysia Finley, *Do Food Stamps Make People Fat?*, WALL ST. J. (Apr. 21, 2025), [https://www.wsj.com/opinion/do-food-stamps-make-people-fat-why-does-washington-subsidize-soda-and-candy-4d29659f?gaa\\_at=eafs&gaa\\_n=AWEtSqfogrG6a8V6lmNJJR3aMsAzFka3ctSEnnuRFFsEfeScI0fMJxt6Ejb&gaa\\_ts=69892ccb&gaa\\_sig=hBX9pioPABC\\_P8tkkXsUB3zi0gExU-mqe9unXLjTk6ydd-yVWsz5SyugxDkLUZnZkvmWFCyJRDP77vctX\\_Tcfe%3D%3D](https://www.wsj.com/opinion/do-food-stamps-make-people-fat-why-does-washington-subsidize-soda-and-candy-4d29659f?gaa_at=eafs&gaa_n=AWEtSqfogrG6a8V6lmNJJR3aMsAzFka3ctSEnnuRFFsEfeScI0fMJxt6Ejb&gaa_ts=69892ccb&gaa_sig=hBX9pioPABC_P8tkkXsUB3zi0gExU-mqe9unXLjTk6ydd-yVWsz5SyugxDkLUZnZkvmWFCyJRDP77vctX_Tcfe%3D%3D).

129. Imhoff & Badaracco, *supra* note 2, at 107.

130. *Id.* at 71.

131. *Id.* at 68.

132. Jordan W. Jones, *Supplemental Nutrition Assistance Program (SNAP) – Key Statistics and Research*, U.S. DEP’T OF AGRIC., ECON. RSCH. SERV. (last updated

## B) FARM BILL THRUSTS

### 1. Nutrition (SNAP) (Title IV)

While I will not discuss the politics of SNAP dollar amounts, nor changing eligibility requirements, I will argue that, in the interests of the public, *how* the money is spent must change. As noted above, one of the major *intents* of SNAP was to help prevent Americans from going hungry, addressing “food insecurity.”<sup>133</sup> SNAP does provide calories and alleviates hunger. It does not, however, nourish and promote health.<sup>134</sup> Given the dollar limits on the amount of food that can be purchased daily, it is extremely difficult for individuals on SNAP to regularly consume a diet that is nutritious and supports health.<sup>135</sup> In fact, a 2017 study documented that health outcomes are worse for people participating in SNAP than for those who are SNAP eligible but not participating. SNAP participants had higher risks of mortality, heart disease, and diabetes.<sup>136</sup> So, while the program continues to help provide food for those who would otherwise struggle to purchase it on their own, a reimagined Farm Bill can address the *quality* of the food being provided and the health of those receiving support.

### 2. Crop insurance and subsidies (including both Title I Commodity Programs and Title V Credit)

Taking SNAP spending out of the equation, looking at outlays from 2014-2018, crop insurance and commodity crop support made up 67% of the Bill’s remaining spending, or \$65 billion.<sup>137</sup> Taking a more detailed look at Thrust #2 spending:

a) Crop insurance—premiums are covered largely by the U.S. taxpayer.<sup>138</sup> Farmers plant as much as they want and have a security

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Jul. 24, 2025), <https://www.ers.usda.gov/topics/food-nutrition-assistance/supplemental-nutrition-assistance-program-snap/key-statistics-and-research/>.

133. Imhoff & Badaracco, *supra* note 2, at 293.

134. *Id.* at 71.

135. *Id.* at 108.

136. Zach Conrad et al., *Cardiometabolic Mortality by Supplemental Assistance Nutrition Program Participation and Eligibility in the United States*, 107 AM. J. PUB. HEALTH 466 (2017).

137. Imhoff & Badaracco, *supra* note 2, at 32.

138. *Id.* at 34.

blanket for guaranteed income, creating a system of risk-free farming.<sup>139</sup> In part through the moral hazard principle,<sup>140</sup> this system encourages farmers to farm more land, even land that may be unsuitable for farming.<sup>141</sup>

b) Federal Purchase Programs—the U.S. Government purchases surplus meat, eggs and dairy for distribution to school lunch programs and other various food assistance programs.<sup>142</sup> There is no downside to working to produce as much output as possible, knowing that the Government will purchase it.

c) Other livestock support—risk-free “marketing assistance loans” are also subsidized.<sup>143</sup> Agriculture Risk Coverage and Price Loss Coverage were introduced in the 2014 Farm Bill.<sup>144</sup>

Under this plan, commodity payments go into effect when a commodity price falls below a certain threshold.<sup>145</sup> This has the net effect of further insulating the industry from market price fluctuations.<sup>146</sup>

These programs are extremely narrow in scope and tailored to support a select few.<sup>147</sup> Between 1995 and 2016, 30% of subsidies went to one crop—corn.<sup>148</sup> And, only a minority of the corn grown is actually used to feed humans.<sup>149</sup> Approximately 40% of the corn grown in the U.S. today is used as livestock feed,<sup>150</sup> and an additional

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139. *Id.*

140. Moral hazard refers to the tendency of individuals or organizations to take on more risk than they otherwise might, knowing that they are protected from the negative consequences of that risk - i.e., from an insurer. This often occurs when the party is shielded from the impact of their actions, leading them to behave more recklessly than they otherwise would. See Casandra Jones Havard, *The Conversation: Moral Hazard*, UNIV. S.C. (Mar. 28, 2023), [https://sc.edu/uofsc/posts/2023/03/conversation\\_moral\\_hazard.php](https://sc.edu/uofsc/posts/2023/03/conversation_moral_hazard.php).

141. *Id.* at 170.

142. *Id.* at 35.

143. *Id.*

144. *Id.* at 36.

145. *Id.* at 98.

146. *Id.*

147. *Id.* at 114.

148. *Id.* at 20.

149. *Id.* at 118.

150. *Farm Bill Spending*, U.S. DEP’T OF AGRIC., ECON. RSCH. SERV. (Jan. 8, 2025), <https://www.ers.usda.gov/topics/farm-economy/farm-commodity-policy/farm-bill-spending>.

38% is converted into ethanol to be used as fuel.<sup>151</sup> The massive corn subsidy helps keep IFAP's feed costs artificially low and contributes significantly to IFAP's profits. Compare the 30% subsidy for corn farmers with subsidies of less than 4% to all fruits, nuts, and vegetables.<sup>152</sup> Despite agricultural products such as avocados, lentils, almonds, and fruits representing healthier foods, they are not used to feed livestock nor converted into ethanol. Whereas nearly every other business and sector of the economy manages its own risk, in the U.S.,<sup>153</sup> it is the taxpayer who shoulders the burden for IFAP. Through the current subsidy system, the taxpayer is, in essence, financing a risk-free business model for IFAP.

### 3. Conservation (also Title II)

Not including SNAP, the Conservation spending title accounted for 28.8% of remaining spending from 2014 to 2018 (\$28.2 billion).<sup>154</sup> While "conservation" sounds like a good place to invest money, looking further leads to some surprising facts. Included in the Conservation Title, the Environmental Quality Incentives Program (EQIP) pays CAFOs to comply with the Clean Water Act (CWA) 33 U.S.C. §§ 1251-1387 and Clean Air Act (CAA) (42 U.S.C. §7401 et seq.) regulations. CAFOs further enjoy extensive exemptions from enforcement of the CWA and CAA.<sup>155</sup> While seemingly intended to help with pollution, the net effect of EQIP is that the U.S. taxpayer is financing the CAFOs to expand more and pollute more. For example, the "manure lagoons," open cesspools of poorly managed manure, are largely funded by the EQIP.<sup>156</sup> Methane digesters<sup>157</sup> and other costly and environmentally unfriendly pseudo-green projects are as

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151. Imhoff & Badaracco, *supra* note 2, at 213.

152. Saul Elbein, *Americans Want Farm Subsidies to go to Human Food, not Animal Feed: Survey*, THE HILL (Feb. 2, 2023), <https://thehill.com/policy/equilibrium-sustainability/3841276-americans-want-farm-subsidies-to-go-to-human-food-not-animal-feed-survey/>.

153. For example, in the healthcare industry, medical providers and hospital systems manage their own risk and do not get government assistance for their inputs. Ditto for the retail and restaurant industries.

154. *Id.* at 14.

155. Abate, *supra* note 102, at 550.

156. Imhoff & Badaracco, *supra* note 2, at 78.

157. Methane digesters are devices that promote the conversion of manure into "simple organics" and biogas. *See* Abate, *supra* note 102, at 555.

well.<sup>158</sup> Called a “government-funded pay-the-polluter” policy, subsidies incentivize poor waste management, pollution, and a lack of accountability.<sup>159</sup> Sixty percent of funding is mandated to go to the farms with the “largest potential impact for remediation,” i.e., IFAP, or the worst offenders.<sup>160</sup> Finally, with higher dollar limits provided for the CAFOs than for smaller farms, which tend to be organic and better for the environment, the program again favors IFAP.<sup>161</sup>

The current Farm Bill does not serve its purpose. It is extremely costly, encourages moral hazard, leads to worse public health and a more polluted environment, and relies on morally reprehensible treatment of animals. The Federal Government has a responsibility to the public to do better.

#### **PART IV: WHY FARM BILL SUBSIDIES SHOULD BE ELIMINATED FROM THE BILL, AND WHERE FUNDING SHOULD INSTEAD BE DIVERTED**

I have already shown how the current system of subsidies uses taxpayer dollars to prop up a food production system that ravages the environment, causes unimaginable suffering to the animals that are turned into food, continues to make humans sicker, and is extremely costly. Continuing to channel taxpayer dollars into a bloated program that causes such harm is indefensible. This part describes where the subsidies should instead be directed, and the projected benefits to the public therein. We will explore redirecting funds via three titles and the creation of a new subtitle.

##### **A) SNAP (TITLE IV) (PROJECTED COST \$1.099 TRILLION)<sup>162</sup>**

The current net effect of SNAP is a safety net to reduce hunger and food insecurity. This will not change. It is difficult, if not impossible, with the current system, to also promote health. I have shown above the opposite—SNAP participants are *unhealthier* and suffer from

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158. Imhoff & Badaracco, *supra* note 2.

159. *Id.* at 83.

160. *Id.* at 82.

161. *Id.*

162. Farm Bill Primer, *supra* note 4.

*more* diseases. As such, the newly reimagined SNAP will continue to support the most vulnerable in society who are at risk for food insecurity and hunger, while also *nourishing*, promoting their health and well-being. SNAP will be rebranded as the Nutrition Assistance and Health Promotion Program (“NAHPP”, or “Napp”).

The new NAHPP will be removed from the Farm Bill and thus removed from USDA oversight. Emphasizing the reimagined goal of promoting health rather than merely adding calories, SNAP will be administered through the Department of Health and Human Services (DHHS). Similar reorganization of executive departments has been done before. The Reorganization Act of 1977 authorized the president to reorganize federal agencies (with Congressional approval).<sup>163</sup> Under this law, President Jimmy Carter consolidated several federal agencies into one, creating the Department of Energy (DOE).<sup>164</sup> This law expired in 1984 and would require Congressional action to renew its authority.<sup>165</sup> There is another alternative that also requires Congressional action. The 2008 Farm Bill renamed and reauthorized SNAP, still managed by the USDA.<sup>166</sup> Short of a resurrection of the Reorganization Act of 1977, Article I, Section 8 of the U.S. Constitution<sup>167</sup> outlines the authority for Congress to create, fund, and promulgate the NAHPP. Thus, Congress would need to pass a law to implement the NAHPP; precedent exists for such a law. Notably, the Department of Homeland Security Act of 2002 moved selected functions from divisions such as the Department of Justice (DOJ) and Department of Transportation (DOT) to the new Department of Homeland Security (DHS).<sup>168</sup>

Under DHHS, there will be an education component and campaign to empower SNAP participants to make smarter choices about what

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163. Reorganization Act of 1977, Pub. L. No. 95-17, 91 Stat. 29.

164. Department of Energy Organization Act, Pub. L. No. 95-91, 91 Stat. 565 (1977).

165. CONG. RSCH. SERV., RL30876, THE PRESIDENT’S REORGANIZATION AUTHORITY: REVIEW AND ANALYSIS (Mar. 8, 2001).

166. Food, Conservation, and Energy Act of 2008, Pub. L. No. 110-246, 122 Stat. 1651.

167. U.S. CONST. art. I, § 8, cls. 13, 18.

168. Homeland Security Act of 2002, Pub. L. No. 107–296, 116 Stat. 2135.

they eat and financial incentivization to make healthier choices.<sup>169</sup> NAHPP will no longer participate in the current “dairy and ag checkoff programs”<sup>170</sup> and instead, DHHS will work with Congress to develop and fund plant-based checkoff programs. Under the new NAHPP, DHHS will work with Congress to ensure that implementation of the program aligns with positive health outcomes.<sup>171</sup>

Getting SNAP restrictions into a Farm Bill used to be a political impossibility.<sup>172</sup> However, in 2025, the idea came up often in hearings.<sup>173</sup> More than a dozen states have introduced bills to restrict soda and other unhealthy foods from SNAP coverage.<sup>174</sup> Current USDA Secretary Brooke Rollins appears willing to work with current DHHS Secretary Robert F. Kennedy Jr. and supports the “Make America Healthy Again (MAHA)” campaign.<sup>175</sup> Indiana and Arkansas are the first two states to officially request the necessary waivers for SNAP modifications, and Secretary Rollins has stated that the USDA will move “very, very quickly” to approve them.<sup>176</sup> State-generated models for changes such as these could potentially be scaled up to the national level, and even expanded in scope. From the

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169. Sara Berg, *AMA Backs Comprehensive Approach Targeting Sugary Drinks*, AMA WIRE (Jun. 14, 2017), <https://www.ama-assn.org/public-health/prevention-wellness/ama-backs-comprehensive-approach-targeting-sugary-drinks>.

170. *National Dairy Promotion & Research Board*, U.S. DEP’T OF AGRIC., AGRIC. MKTG. SERV., <https://www.ams.usda.gov/rules-regulations/research-promotion/dairy> (last visited Mar. 16, 2025).

171. Imhoff & Badaracco, *supra* note 2, at 203.

172. Lisa Held, *Bans on Soda and Candy in SNAP Are Back on the Table, and They’re Still Controversial*, CIVIL EATS (Mar. 10, 2025), <https://civileats.com/2025/03/10/bans-on-soda-and-candy-in-snap-are-back-on-the-table-and-theyre-still-controversial/>.

173. *Id.*

174. *Id.*

175. *Id.*

176. Laura Cooper et al., *USDA Is Fast-Tracking Requests to Yank Soda From Food-Stamps Program*, WALL ST. J. (Apr. 16, 2025), [https://www.wsj.com/politics/policy/arkansas-could-yank-soda-candy-from-food-stamps-as-early-as-next-year-5d9eb36a?gaa\\_at=eafs&gaa\\_n=AWetsqc-ap0V4KZIH-ROpEAQS-HSe69HmwRJuOTDhGYjtBKXEWlnIbZiB25V&gaa\\_ts=69892e6c&gaa\\_sig=lvbjLQzisHi\\_06LDporLVvohlA9wu38CvQ-VttX-s8-WnEtDmJWf7SP3wl8W4qzrr4LxxXzTJiUdt7EDKcNXXQ%3D%3D](https://www.wsj.com/politics/policy/arkansas-could-yank-soda-candy-from-food-stamps-as-early-as-next-year-5d9eb36a?gaa_at=eafs&gaa_n=AWetsqc-ap0V4KZIH-ROpEAQS-HSe69HmwRJuOTDhGYjtBKXEWlnIbZiB25V&gaa_ts=69892e6c&gaa_sig=lvbjLQzisHi_06LDporLVvohlA9wu38CvQ-VttX-s8-WnEtDmJWf7SP3wl8W4qzrr4LxxXzTJiUdt7EDKcNXXQ%3D%3D).

private sector, professional organizations have published recommendations that could also serve as a replicable model to those administering the new NAHPP.<sup>177</sup> One such example is the Physicians Committee for Responsible Medicine (PCRM), which has proposed a “healthy staples” program—a plant-based, healthier diet that is projected to cost \$27 billion less to the food system.<sup>178</sup> With innovative ideas like these having the potential to climb higher on the agenda of Congressional lawmakers, the Overton Window<sup>179</sup> may be open for a pathway to the new NAHPP.

### **B) COMMODITIES (CURRENTLY TITLE I) (\$196 BILLION)<sup>180</sup>**

Government support to ensure the production of an abundant food supply for the population will remain. To achieve a more sustainable food system that does not rely on environmental degradation, production of food that sickens the public, and the systematic mistreatment of animals, however, a new commodity subsidy program, as outlined here, will align with this new mission.

Subsidies will shift to:

1. promote health,
2. reduce widespread inhumane treatment of animals,

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177. *Dietary guidelines and sustainability*, FOOD & AGRIC. ORG. OF THE U.N., <https://www.fao.org/nutrition/education/dietary-guidelines/background/sustainable-dietary-guidelines/en/> (last visited Mar. 15, 2025); *World Health Organization Calls for Plant Based Diet Shift*, PLANT BASED NEWS (Jan. 3, 2024), <https://plantbasednews.org/news/environment/world-health-organization-head-calls-for-plant-based-diet-shift/>; 2025 DIETARY GUIDELINES ADVISORY COMM., SCIENTIFIC REPORT OF THE 2025 DIETARY GUIDELINES ADVISORY COMMITTEE (U.S. Dep’t of Agric. & U.S. Dep’t of Health & Human Servs. Dec. 10, 2024).

178. *Make Food Stamps Healthy*, PHYSICIANS COMM. FOR RESPONSIBLE MED., <https://www.pcrm.org/good-nutrition/nutrition-programs-policies/make-food-stamps-healthy> (last visited Mar. 15, 2025).

179. “The Overton Window is a model for understanding how ideas in society change over time and influence politics. The core concept is that politicians are limited in what policy ideas they can support—they generally only pursue policies that are widely accepted throughout society as legitimate policy options. These policies lie inside the Overton Window. Other policy ideas exist, but politicians risk losing popular support if they champion these ideas. These policies lie outside the Overton Window.” *The Overton Window*, MACKINAC CTR., <https://www.mackinac.org/OvertonWindow> (last visited May 28, 2025).

180. *Supra* note 147.

3. preserve our environment, and
4. be more equitable.

Shifting subsidies to prioritize the production and consumption of plant-based nutrition will have a positive impact on the public and on animal welfare. For humans, such a shift has been estimated to reduce agricultural air quality-related deaths by 68 to 83%,<sup>181</sup> and shifts to vegetarian, vegan, or flexitarian diets would result in 10,700 to 13,100 fewer deaths per year.<sup>182</sup>

Subsidization will be predicated on social obligation, including stewardship of the environment and reduction of animal suffering in food production. The changes will also benefit humans. One example of a subsidy shift serving a dual purpose to benefit humans and non-human animals would be tying new subsidies to housing animals with a reduced density and more time outside (i.e., increased space requirements). Currently, the average broiler chicken farm houses approximately 20,000 birds, which translates into each bird having one square foot of living space—about the size of a sheet of paper.<sup>183</sup> The high densities of animals in factory farms create an elevated risk of disease for humans, including childhood leukemia in children living nearby.<sup>184</sup> Animal disease transmission rates for certain infections may be lowered by reducing the density of animals on factory farms.<sup>185</sup> More time outdoors, in uncrowded conditions where animals are free to engage in their natural behaviors, yields a more natural, stress-free state, making disease acquisition and transmission less likely.<sup>186</sup> The natural UV irradiation can also reduce the infectivity of pathogens like avian influenza.<sup>187</sup>

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181. Domingo, *supra* note 67.

182. *Id.*

183. James M. MacDonald, THE ECONOMIC ORGANIZATION OF U.S. BROILER PRODUCTION, Econ. Info. Bull. No. 38 (U.S. Dep't of Agric., Econ. Rsch. Serv. 2008), at 8.

184. Benjamin J. Booth et al., *Livestock and Poultry Density and Childhood Cancer Incidence in Nine States in the USA*, 159 ENVTL. RSCH. 444 (2017).

185. Yoko Hayama et al., *Potential Impact of Species and Livestock Density on the Epidemic Size and Effectiveness of Control Measures for Foot-and-Mouth Disease in Japan*, 78 J. VET. MED. SCI. 13, 19 (2015).

186. Letter from Animal Welfare Inst. to Am. Veterinary Med. Ass'n Animal Welfare Comm. (Feb. 5, 2024) (on file with author).

187. *Id.* at 6.

Subsidies tied to improved spacing requirements will advance animal welfare and potentially reduce human disease risk.<sup>188</sup> Precedent exists for implementing such requirements. California, Colorado, Massachusetts, Michigan, Oregon, and Washington have passed laws relating to egg-laying hens and the sale of eggs, addressing the disease-promoting, intense confinement conditions that are the norm on CAFOs across the country.<sup>189</sup>

An expert panel will be convened to draft national guidelines for the treatment of animals on farms. Funds will be available to both train inspectors and for routine, unannounced inspections on a regular basis. Farms with deficiencies will be assessed financial penalties, not unlike the financial penalties American hospitals are at risk for if they fail inspections from regulatory agencies.<sup>190</sup>

Lastly, income eligibility limits will be placed on price supports and insurance.<sup>191</sup> This will result in a more equitable system that is available to those in the industry who need help the most. The most financially successful farms will be expected to manage their own risk and costs of doing business, just like other businesses do.

### C) CONSERVATION PROGRAM (TITLE II) (\$58 BILLION FY 25-34)<sup>192</sup>

EQIP will be redesigned to further its stated goals of addressing “natural resource concerns” such as improved air and water quality, increased soil health, and reduced soil erosion.<sup>193</sup> As one example of how EQIP has been usurped, CAFOs have reportedly received over \$2 billion in subsidies between 2002 and 2018 to help comply with the CWA,<sup>194</sup> yet they are largely exempt from that Act and continue

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188. Masiello, *supra* note 16.

189. ALDF, *supra* note 73, at 77.

190. *Hospital Value-Based Purchasing Program*, CNTRS. MEDICARE & MEDICAID SRVS. (Sept. 10, 2024), <https://www.cms.gov/medicare/quality/value-based-programs/hospital-purchasing>; *Hospital Readmissions Reduction Program*, CNTRS. MEDICARE & MEDICAID SRVS. (Aug. 11, 2025), <https://www.cms.gov/medicare/quality/value-based-programs/hospital-readmissions>.

191. Imhoff & Badaracco, *supra* note 2, at 303.

192. Harvard, *supra* note 146.

193. *Environmental Quality Incentives Program*, U.S.D.A. NAT. RES. CONSERV. SERV., <https://www.nrcs.usda.gov/programs-initiatives/eqip-environmental-quality-incentives> (last visited Mar. 1, 2025).

194. Imhoff & Badaracco, *supra* note 2, at 245.

to pollute.<sup>195</sup> The new EQIP will stop encouraging pollution and environmental degradation and promote practices as intended. The new EQIP will include the following:

1. Farms must show they are addressing waste management and adhering to emissions standards for air and water pollution detailed in the CAA and the CWA. A system of financial penalties will be developed to incentivize adherence to the CWA and CAA and to reduce GHG emissions.

2. Subsidies to mitigate soil erosion and limit biodiversity loss will be implemented. The plan will be similar to the 2002 Harkin program<sup>196</sup> which promoted stewardship over production.

3. Subsidies will be available to promote organic farming and to abandon the environmentally destructive practice of monocropping, encourage more grass pastures, vertical farming, perennial agriculture, and crops that capture carbon and lead to less water and soil loss.

4. Funding for research into safer pesticides and herbicides will be provided.

Also under this title will be a new subtitle: The Food Waste Reduction Subtitle.

According to FeedingAmerica.org, 38% of all the food produced in America is wasted.<sup>197</sup> This amounts to 145 billion meals being deposited directly into landfills and is estimated at \$473 billion.<sup>198</sup> Funding will be allocated each year to both perform research on ways

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195. Randall S. Abate, *Anthropocene Accountability Litigation: Confronting Common Enemies to Promote a Just Transition*, 46 COLUM. J. ENVTL. L. 225, 230 (2021).

196. Drafted into the 2008 Farm Bill as the Conservation Stewardship Program, see 16 U.S.C. §§ 3839aa-21–25. See also Senator Tom Harkin, *Harkin Lauds USDA Expansion of Fruit and Vegetables Program*, RIVER CITIES READER (Mar. 24, 2011), <https://www.rcreader.com/news-releases/harkin-lauds-usda-expansion-fresh-fruits-and-vegetables-program?trumbaEmbed=view%3Devent%26eventid%3D179586839>.

197. *Our Work*, FEEDING AM., <https://www.feedingamerica.org/our-work/reduce-food-waste> (last visited Jan. 30, 2025).

198. *Id.*

to minimize food waste and food insecurity and to subsidize those programs most likely to be successful.

The Animal Legal Defense Fund has also advocated to Congress to mandate major changes to the current system of subsidization of IFAP.<sup>199</sup> Consistent with the above changes, their four-prong approach includes:

(1) reducing subsidies to meat, dairy, and egg producers in the factory farming industry;

(2) redirecting subsidies from corn for animal feed to grains consumed directly or processed into plant-based meats and dairy;

(3) creating programs and subsidies for plant-based foods, including fresh fruits and vegetables as well as plant-based protein;

(4) requiring greater transparency about where money is going and why it is being used. Such transparency should take the form of a publicly searchable online database for recipients of subsidies or other government funds.

#### **D) RESEARCH (TITLE VII) (\$1.3 BILLION)<sup>200</sup>**

At \$1.3 billion, current spending on title VII represents less than 1% of total Farm Bill spending. A higher priority will be placed here, with an allocation of at least 5 to 10% more funds. With the newly designed Title VII, the following changes will be made:

1. Research will be prioritized including:

a) the research and production of animal-free proteins such as cell-cultivated meat.<sup>201</sup> Also called “cultured meat,” or this author’s preferred term, “clean meat,”<sup>202</sup> is approved for consumption

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199. ALDF, *supra* note 73.

200. *Supra* note 150.

201. Zoë Corbyn, *Out of the Lab and Into Your Frying Pan: The Advance of Cultured Meat*, THE GUARDIAN (Jan. 19, 2020), <https://www.theguardian.com/food/2020/jan/19/cultured-meat-on-its-way-to-a-table-near-you-cultivated-cells-farming-society-ethics>.

202. CTR. FOR ANIMAL L. STUD., *Regulatory Pathways and Pitfalls for Alt Protein* (YouTube, Mar. 25, 2022), <https://www.youtube.com/watch?v=CZKXAtHqipA> (citing George Kimbrell’s lecture at the Bus. & Food L. Forum 2022, *Sustainable Protein: The Legal, Business, and Ethical Dimensions* (Feb. 18, 2022)). The term “Clean Meat” is most applicable, in the opinion of this author. Clean Meat sums up succinctly much about the differences between meat

in the U.S., with production overseen jointly by the USDA-FSIS and the FDA.<sup>203</sup> Clean meat represents a future where animal protein can still be consumed and enjoyed, without the implicit animal suffering baked into the food system today. Clean meat shows promise for reducing animal suffering and reducing the risk of foodborne illness.<sup>204</sup> Clean meat also has the potential to reduce costs and encourage more sustainable land conservation.<sup>205</sup> An added potential benefit of “reducing the herd” is that as we reduce the number of animals farmed in close confinement, we will also reduce the risk of contributing to the next pandemic.<sup>206</sup>

To date, only a tiny fraction of public funding has supported alternative methods of food production like cultivated meat.<sup>207</sup> For example, in 2021, the USDA gave Tufts University in Massachusetts \$10 million to support a “cellular agriculture institute,”<sup>208</sup> and in 2022, California became the first U.S. state to publicly fund research into cell-cultivated meat.<sup>209</sup> In 2025, the overwhelming majority of

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produced under sterile conditions in a bioreactor, and meat produced from the genetically engineered animals raised in unsanitary, feces-infested conditions on factory farms, fed an unnatural diet, and often supplemented with growth hormones and antibiotics.

203. *Human Food Made with Cultured Animal Cells*, U.S. FOOD & DRUG ADMIN. (Mar. 7, 2025), <https://www.fda.gov/food/food-ingredients-packaging/human-food-made-cultured-animal-cells>.

204. Sarah Garone et al., *What Is Lab-Grown Meat?*, HEALTH (Sept. 14, 2025), <https://www.health.com/lab-grown-meat-fda-6835173>.

205. *Id.*

206. Liz Specht, *Modernizing Meat Production Will Help Us Avoid Pandemics*, WIRED (Mar. 13, 2020), <https://www.wired.com/story/opinion-modernizing-meat-production-will-help-us-avoid-pandemics/>.

207. Elaine Watson, *Cultivated Meat: There’s a Valley Of Death We’re Not Going to Cross Without a Massive Infusion of Public Investment*, AGFUNDERNEWS (Oct. 8, 2024), <https://agfundernews.com/%F0%9F%8E%A5cultivated-meat-theres-a-valley-of-death-were-not-going-to-cross-without-a-massive-infusion-of-public-investment>.

208. USDA NATIONAL INSTITUTE FOR CELLULAR AGRICULTURE AT TUFTS UNIVERSITY, <https://cellularagriculture.tufts.edu/research/usda-national-institute-cellular-agriculture> (last visited Apr. 6, 2025).

209. Cecilia Nowell, *‘Political Efforts’: The Republican States Trying To Ban Lab-Grown Meat*, THE GUARDIAN (Apr. 9, 2024), <https://www.theguardian.com/environment/2024/apr/09/us-states-republicans-banning-lab-grown-meat>.

funding for cell-cultivated meat still comes from private investors.<sup>210</sup> The new subsidies in this Farm Bill will change that and will include:

b) research to better characterize the adverse health effects from consumption of meat and processed foods and education of the public, and

c) research to develop best practice methods in animal agriculture for waste and emissions management and alternatives to the toxic fertilizers used routinely. Management of manure, air pollution, and water pollution continue to be major issues with IFAP.

<sup>211</sup> With the new priorities of the Farm Bill, including avoidance of public harm, preserving our natural resources, and mitigating climate change, these consequences will be addressed.

While The Land Institute has proposed a fifty-year Farm Bill,<sup>212</sup> I will propose a twenty-year Farm Bill. The entitlement amounts will be indexed for inflation every five years, and not subject to revision using the budget tinkering now common in Congress known as “flat funding”<sup>213</sup> and “ChIMPs.”<sup>214</sup>

I have shown above the numerous flaws in the current subsidy program included in the Farm Bill and introduced a plan to improve it. The current system finances an agriculture system that benefits a minority of the population it is intended to serve (largely the executives in the industrial animal agriculture industry), at the expense of the public, the environment, animals trapped in the system, and fiscal responsibility. A new Farm Bill will continue to subsidize and support food production in America. Simultaneously, the new Bill will also promote public health, reduce environmental obliteration, promote more humane treatment of animals, and invest taxpayer dollars more responsibly.

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210. *Id.*

211. Bray, *supra* note 100, at 511; *see also* Abate, *supra* note 83, at 546.

212. LAND INST., A 50-YEAR FARM BILL 1 (Jun. 2009), <https://landinstitute.org/wp-content/uploads/2016/09/FB-edited-7-6-10.pdf>.

213. *See* Imhoff & Badaracco, *supra* note 2, at 38 (discussing “flat funding,” a process by which funding authorized with a prior bill can be removed).

214. For a detailed description of the process known as “Changes in Mandatory Spending in Appropriations Bills”, or “CHIMPs,” another form of budget tinkering similar to flat funding above where authorized funds can be affected, *see* DREW C. AHERN ET AL., CONG. RSCH. SERV., R47705, CONGRESSIONAL RULES PERTAINING TO CHANGES IN MANDATORY PROGRAM SPENDING IN APPROPRIATIONS BILLS (CHIMPs) (2025).

**PART V: OBJECTIONS, OBSTACLES, AND REBUTTALS TO IMPLEMENTATION****A) WHAT ABOUT THE IFAP FARMERS AND ALL THE DEMAND FOR THE FOOD THEY PRODUCE? HOW WILL WE FEED AMERICA?**

The current Farm Bill subsidizes an agricultural system that pollutes our drinking water, contributes significant amounts of GHGs, causes cancer, diabetes, and heart disease, is based on the cruel exploitation of animals, and is inequitable. Well-financed, powerful agribusinesses and their lobbyists continue to invest heavily in maintaining the status quo.<sup>215</sup> As I have argued, there is a better way. The status quo *can* change.

“Society has always progressed because we have challenged dominant paradigms and ingrained norms.”<sup>216</sup>

We have another such opportunity now.

As shown, not only can we feed America without IFAP (and still have plenty of surplus to share/export), but we can do so more efficiently, more humanely, and with the consumption of fewer resources. It is in America’s best interest to subsidize and encourage the production of a plant-based diet. The time is now to shift away from the status quo that props up an unhealthy and noxious food system.

The Federal Government will continue to support agriculture and feed America. With a shift of funding from a handful of giant corporations operating CAFOs and animal-based agriculture, we can feed more people, promote a healthier population, reduce healthcare costs, reduce pollution and the destruction of the environment, and foster more humane treatment of non-human animals.

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215. HENNING STEINFELD ET AL., *LIVESTOCK’S LONG SHADOW: ENVIRONMENTAL ISSUES AND OPTIONS* (2006) at 221–24.

216. Winters, *supra* note 6, at 261.

## B) IS ELIMINATION OF INDUSTRIAL ANIMAL AGRICULTURE SUBSIDIES POSSIBLE?

Using examples from both within the U.S. and across the globe, I will show that it is possible. Major shifts in what a government decides to prioritize and subsidize have changed before and can change again, despite powerful industry interests preferring the status quo.

According to a 2021 Ipsos poll, 89% of Americans eat meat, and a majority agree that eating red meat is part of the American way of life.<sup>217</sup> In contrast, a 2023 Gallup News poll found that only 1% of Americans identify as vegan and only 4% as vegetarian.<sup>218</sup> Eating meat, and the industry that produces it, are woven into the fabric of American life. However, societal norms can change, and as we have seen with tobacco, the Government can facilitate it.<sup>219</sup> It happened with tobacco in the twentieth century, and it can happen with meat in the twenty-first century.<sup>220</sup>

### 1. Demand Reduction - Precedent in the U.S.

Consumption of meat in the U.S. has continued to increase, largely as a result of government subsidies and investment in the marketing and promotion of meat.<sup>221</sup> The system of government subsidies, animal agriculture-friendly legislation, and regulation allows animal food producers to keep output high and retail prices artificially low.<sup>222</sup> If the industry were forced to cover its total costs, instead of

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217. *Nearly Nine In Ten Americans Consume Meat As Part of Their Diet*, IPSOS (May 12, 2021), <https://www.ipsos.com/en-us/news-polls/nearly-nine-ten-americans-consume-meat-part-their-diet>.

218. Jeffrey M. Jones, *In U.S., 4% Identify as Vegetarian, 1% as Vegan*, GALLUP (Aug. 24, 2023), <https://news.gallup.com/poll/510038/identify-vegetarian-vegan.aspx>.

219. Elle Hunt, *'Meatonomics' David Robinson Simon: Everything I Envision for Meat has happened with Tobacco*, THE GUARDIAN (Jun. 6, 2017), <https://www.theguardian.com/lifeandstyle/2017/jun/07/meatonomics-david-robinson-simon-everything-i-envision-for-meat-has-happened-with-tobacco>.

220. *Id.*

221. *Id.*

222. *Id.*

imposing them on taxpayers, animals, and the environment, a \$4 Big Mac would cost about \$11.<sup>223</sup>

In post-World War II America, tobacco was woven into the fabric of American life.<sup>224</sup> It was cool. It was sexy. And the tobacco industry was subsidized by the American taxpayer.<sup>225</sup> When a surgeon general's report in 1964 was released, reporting on the health risks of tobacco, including cancer, about 42% of U.S. adults were smokers.<sup>226</sup> This number has since gradually declined, trending down to 13.9% as of 2018.<sup>227</sup>

Author Lingxi Chenyang has stated, "The anti-tobacco movement is the largest, best documented and most successful reduction effort in the U.S. in the modern era."<sup>228</sup> With the passage of the Federal Cigarette Labeling and Advertising Act of 1965,<sup>229</sup> Congress required that all cigarette packets display warning labels. Anti-tobacco regulation employed a suite of instruments, one of the most prominent being the identification of the "innocent victim" of secondhand smoke.<sup>230</sup> Smokers were portrayed as selfishly disregarding the health and well-being of nonsmokers.<sup>231</sup> Smokers started to view smoking in public as a personal embarrassment, and information about the "bystander" harms changed the social narrative around smoking.<sup>232</sup>

The industry rapidly began losing credibility and influence. By 1970, all U.S. states and territories had implemented cigarette taxes, and radio and television advertisements had been banned.<sup>233</sup> Courts permitted lawsuits against tobacco companies to proceed to trial. The

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223. This figure is based on 2017 dollars. *Id.*

224. Lingxi Chenyang, *Is Meat the New Tobacco? Regulating Food Demand in the Age of Climate Change*, 49 ENVTL. L. REP. 10344, 10345 (2019).

225. *Id.* at 10352.

226. *Id.* at 10353.

227. *Tobacco Use*, NAT'L CTR. FOR HEALTH STAT., <https://www.cdc.gov/nchs/hus/topics/tobacco-use.htm> (last visited Mar. 1, 2025).

228. Chenyang, *supra* note 224, at 10352.

229. Federal Cigarette Labeling and Advertising Act, Pub. L. No. 89-92, 79 Stat. 282 (1965).

230. Chenyang, *supra* note 224, at 10353.

231. *Id.*

232. *Id.*

233. Chenyang, *supra* note 224.

final blow came in 2004, when the Government ended subsidies for tobacco farmers through its buyout program.<sup>234</sup>

In 1953, the prevalence of smoking in the U.S. was 45%.<sup>235</sup> The federally-led campaign, which employed a suite of instruments including pulling of subsidies, a cigarette tax, labeling restrictions, and advertising campaigns, was highly effective.<sup>236</sup> Demand reduction worked: By 2018, the prevalence of smoking in America was down to 14%.<sup>237</sup>

Economist and author David Simon believes that since this happened with tobacco, it is completely plausible that it could happen with meat.<sup>238</sup> The path from smoking being integrated into American culture and financed by taxpayer dollars to being something that is instead taxed and only done by a minority is one that we can learn from now. Broadcasting the private and third-party harms of producing and consuming meat (i.e., workers, nearby residents, animals, the environment, and consumers) will be an important strategy for shifting cultural norms from industrial food and animal production.<sup>239</sup>

## 2. Demand Reduction - Precedent Outside the US

Outside the U.S., there is also precedent for this paradigm shift. In late 2023, the Netherlands Minister of Agriculture, Nature, and Food Quality argued that the European Union should stop providing subsidies for meat production.<sup>240</sup> The Netherlands and Germany have both announced food system transitions that seek to promote plant-based eating.<sup>241</sup> Perhaps the most groundbreaking transition has been occurring in Denmark since 2023.<sup>242</sup> Denmark's Action Plan for Plant-Based Foods includes nearly \$10 million for promotion of plant-based foods and \$195 million to support the plant-based food

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234. CONG. RSCH. SERV., RL31790, TOBACCO QUOTA BUYOUT PROPOSALS IN THE 108TH CONGRESS (2004).

235. Chenyang, *supra* note 224, at 10352.

236. *Id.*

237. *Id.*

238. Hunt, *supra* note 219.

239. Chenyang, *supra* note 224, at 10353.

240. Elischer, *supra* note 82, at 513.

241. *Id.* at 514.

242. *Id.* at 515.

transition.<sup>243</sup> The Plan calls for significant reductions in both the consumption and production of meat and dairy.<sup>244</sup> The Danish approach includes a “smorgasbord” of complementary measures, including grants to support research, efforts to change behavior, voluntary labelling, chef training, promotion of export markets, efforts to learn from other countries, streamlining of the regulatory approval process for new products, and more.<sup>245</sup> This is especially notable because Denmark has a powerful animal agriculture industry: it is the only European country with more pigs than people.<sup>246</sup>

In 2023, the French Court of Accounts—which counsels the government on spending—advised the French Government to develop a plan to downsize cattle herds.<sup>247</sup> Other countries with similar plans to transition to plant-based agriculture include Taiwan, South Korea and the Netherlands.<sup>248</sup> Dietary guidelines and public funding are also shifting globally to encourage eating more plant-based foods.<sup>249</sup>

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243. Daniela De Lorenzo, *How Denmark Made the Plant-Based Action Plan Possible*, FORBES (Nov. 23, 2023), <https://www.forbes.com/sites/danieladelorenzo/2023/11/23/how-denmark-made-the-plant-based-action-plan-possible/>.

244. *Id.*

245. *Id.*

246. India Bourke, *Denmark: The Major Pork Producer Trying To Wean Itself Off Eating Meat*, BBC (Dec. 1, 2023), <https://www.bbc.com/future/article/20231201-denmark-the-major-meat-producer-switching-to-a-plant-based-diet>.

247. *French Farmers Up in Arms Over Call to Cut Cow Numbers for Sake of Climate*, RFI (May 25, 2023), <https://www.rfi.fr/en/france/20230525-french-farmers-up-in-arms-over-call-to-cut-cow-numbers-for-sake-of-climate>.

248. Bray, *supra* note 100, at 514.

249. National governments and international organizations have increasingly recognized the environmental costs of animal agriculture. See *Canada's Food Guide*, GOV'T OF CANADA, <https://food-guide.canada.ca/en/> (last visited Feb. 28, 2025); FOOD & AGRIC. ORG. OF THE U.N., *ACHIEVING SDG2 WITHOUT BREACHING THE 1.5°C THRESHOLD: A GLOBAL ROADMAP 1–2* (2023); HENRY DIMBLEBY ET AL., *NATIONAL FOOD STRATEGY: THE PLAN* 142 (2021).

### C) SUBSIDY SHIFTING DESPITE POWERFUL INTERESTS PREFERRING THE STATUS QUO

Fossil fuels supply about 80% of the world's energy needs, and U.S. production contributes approximately 20% of the global total.<sup>250</sup> The energy industry is one of the largest industries on the planet.<sup>251</sup> In 2022, the U.S. fossil fuel industry received an estimated \$3 billion in direct subsidies.<sup>252</sup> The industry is massive and maintains a powerful lobbying presence, with a significant influence in Congress.<sup>253</sup> Despite this, however, and with the industry outpacing environmental and renewable energy groups ten-to-one,<sup>254</sup> legislation favoring renewable energy production *has* been passed repeatedly.<sup>255</sup>

The above examples make clear that governments can shift subsidies and support from an animal agriculture-based food system

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250. *Mapped: Fossil Fuel Production by Country*, WORLD ECON. F. (Jun. 19, 2019), <https://www.weforum.org/stories/2019/06/mapped-fossil-fuel-production-by-country/>.

251. Julius Mansa & Jiwon Ma, *What Percentage of the Global Economy Is the Oil and Gas Drilling Sector?*, INVESTOPEDIA (Aug. 31, 2024), <https://www.investopedia.com/ask/answers/030915/what-percentage-global-economy-comprised-oil-gas-drilling-sector.asp>.

252. Molly Brind'Amour, *Fact Sheet: Proposals to Reduce Fossil Fuel Subsidies*, ENVTL. & ENERGY STUDY INST. (Jan. 30, 2024), <https://www.eesi.org/papers/view/fact-sheet-proposals-to-reduce-fossil-fuel-subsidies-january-2024>.

253. Layne Morsberger, *The Gaslight Effect: Lobbying in the Fossil Fuel Industry*, EARTH DAY (Oct. 30, 2024), <https://www.earthday.org/the-gaslight-effect-lobbying-in-the-fossil-fuel-industry/>.

254. Emily Storz, *Report: Fossil Fuel Industries—The Goliath of Climate-Related Lobbying Efforts, Spent Billions*, DREXEL NEWS REP. (Jul. 19, 2018), <https://drexel.edu/news/archive/2018/July/Report-Fossil-Fuel-Industries-Spent-Billions-on-Climate-Lobby>.

255. *See, e.g.*, Energy Tax Act of 1978, Pub. L. No. 95-618, 92 Stat. 3174 (providing tax credits for homeowners who bought solar panels, among other incentives); The American Reinvestment and Recovery Act of 2009, Pub. L. No. 111-5, 123 Stat. 115, provided over \$90 billion in investments in “clean energy,” according to White House, *Fact Sheet: American Recovery and Reinvestment Act* (Feb. 17, 2009), Obama White House Fact Sheet (last visited Jul. 26, 2025); and The Inflation Reduction Act of 2022, Pub. L. No. 117-169, 117 H.R. 5376-4, as outlined on the U.S. Environmental Protection Agency website, EPA Website (last visited Jul. 26, 2025), provided a bevy of tax incentives and credits to encourage renewable energy.

to one more based on plants<sup>256</sup> and clean meat. It has been accomplished in the U.S. before, as noted in the examples above on investments into the Anti-Tobacco and Renewable Energy campaigns. Such a shift will benefit the American public and the planet.

## PART VI: CONCLUSION

“The question is not *whether* industrial animal agriculture will end. No industry this inhumane, unhealthful, and unsustainable can last forever . . . The only question is *when* and *how* this harmful activity will end and what role each actor will have played.”<sup>257</sup>

I have argued that the current system of industrial agriculture in the U.S. is causing widespread harm and devastation. The damage includes the public—anyone who works at or lives near the farms, in addition to anyone who consumes the food produced on the farms. The damage includes the environment—including air pollution, water pollution, outsized resource consumption, soil erosion, loss of biodiversity, and greenhouse gas emissions. The damage is to the animals—denied any of the Five Freedoms, living a miserable existence full of pain and suffering, with almost no protection under the law. The damage is economic—measured in trillions of dollars globally and counting.

I have shown that the system is financed by the U.S. taxpayer using the Government as a conduit. In addition to financial support, the industry also receives special protections not routinely afforded to many other businesses, in the form of exemptions, loopholes, and a general lack of enforcement. It is possible, and even likely, that without the special subsidies and unfair legal protections afforded, IFAP would collapse, or at least come to an end via attrition. In its place, a more sustainable, healthier, and humane agricultural system would be born that nourishes the public and promotes public health.

The policy reforms I propose could solve the above problems by:

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256. Bray, *supra* note 100, at 513.

257. Sebo, *supra* note 17, at 647.

1) Transitioning from the SNAP, under the oversight of the USDA, to a NAHPP, under the oversight of the DHHS,

2) Implementing a paradigm shift in food production and subsidization from the current toxic food animal production system to a food system built on more sustainable practices, plant-based nutrition, clean meat production, and

3) Prioritizing research and public education campaigns to cultivate public awareness and buy-in of the contemporary, science-based, and more humane food production model, leading to the successful passage of legislation.

It is the duty of the Government to protect its citizens. The Government has an obligation to spend the revenue received from taxpayers in a responsible manner that is in the public interest. The current Farm Bill and subsidies do the *opposite* of this, channeling taxpayer dollars into an agribusiness model that benefits an extremely small number of individuals, while causing severe harm to the Americans financing the system and the planet on which they live.

“The needs of the many outweigh the needs of the few.”<sup>258</sup> Iconic Gene Rodenberry character Spock says this in the 1982 movie “*Star Trek II: The Wrath of Khan*.”<sup>259</sup> Spock’s dramatic line, delivered just before succumbing to radiation poisoning after saving the entire crew of the Starship Enterprise in a final selfless act, espouses a core principle of utilitarianism.<sup>260</sup> With a reimagined Farm Bill, the Federal Government can similarly act in the best interests of the many, rather than the few.

“This CAFO method . . . it’s an experiment that is failing . . . It’s not sustainable . . . if those companies have

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258. *Supra* note 1.

259. *Id.*

260. Utilitarianism is generally held to be the view that the morally right action is the action that produces the “most good,” or maximizes the overall good, including consideration of the good of others as well as one’s own good. See Julia Driver, *The History of Utilitarianism*, in THE STANFORD ENCYC. OF PHILOSOPHY (Edward N. Zalta & Uri Nodelman eds., Fall 2025 ed.), <https://plato.stanford.edu/entries/utilitarianism-history/>.

to internalize all of those costs that they now externalize because of subsidies and taxpayer support, they can't survive . . .”<sup>261</sup>

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<sup>261</sup>. Animal Law Conference, *Challenges and Opportunities Lawyers Face Today in Advocating for Farmed Animals*, (remarks of Joyce Tischler).