

# BROOKS MCCORMICK JR ANIMAL LAW & POLICY PROGRAM HARVARD LAW SCHOOL

# YEAR IN REVIEW

2020-2021



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For two decades, Harvard Law School has been at the forefront of developing the critically important field of animal law and policy," said John F. Manning '85, the Morgan and Helen Chu Dean of Harvard Law School. "This generous endowment will help ensure that our faculty and students will continue to have opportunities to engage with these vital issues with depth and impact, while training new generations of leaders in this rapidly expanding field. We are very grateful to the Brooks Institute and delighted that these valuable endeavors will continue at HLS."

– John F. Manning '85, Morgan and Helen Chu Dean and Professor of Law



### **INTRODUCTION & EXECUTIVE SUMMARY**

After a productive year of litigation, learning, and teaching remotely, our <u>Animal Law & Policy Program</u> (ALPP) team and Fellows returned to the Harvard Law School (HLS) campus in September excited to work together and collaborate in person once again. We are grateful to be able to share with you this account of all our Program and Clinic's accomplishments from the past academic year.

Before turning to that work, though, we first must highlight the monumental and transformative gift we received in November 2021 from the <u>Brooks McCormick Institute</u> for Animal Rights Law & Policy to establish a \$10 million endowment that will support the Program's activities. We could not be more appreciative of this humbling endorsement of our work and believe it truly will help raise the profile of animal law and policy more broadly, especially in the academic sphere. The Animal Law & Policy Program now will forever bear the name of the Institute's founding benefactor, Brooks McCormick Jr., a lifelong animal lover and philanthropist who passed away in 2015.

As we enter our seventh academic year, the Brooks McCormick Jr. Animal Law & Policy Program remains dedicated to improving the treatment of animals suffering a variety of harms from human activities, including those farmed for food, wild animals impacted by climate change and animal agriculture, and the broad range of animals used in scientific research. Throughout the year we expanded the research and writing for our collaborative international research project examining the global regulation of live animal markets and their role in the transmission of zoonotic disease. Overseen by ALPP Faculty Director Professor Kristen Stilt and Executive Director Chris Green, and led by Research Fellow Ann Linder, the project now includes more than 15 institutional partners in over a dozen countries. We look forward to sharing the full report in the summer of 2022.

ALPP Visiting Fellows have continued to produce impressive work, which this past year included Jan Dutkiewicz's prolific publications about just food systems for animals, workers, and the environment, Helen Harwatt's focus on the nexus between animal agriculture and climate change, and Martha-Smith Blackmore's thoughtful examination of the way animal cruelty is investigated and enforced. Two of our former students, Alicia Rodriguez '15 and Gabriel Wildgen '20 also returned as Visiting Fellows in Fall 2020 to produce a detailed report on how the farmed animal protection community can better engage in the political sphere.

Cover Image ©Robert Wilson
 Courtesy of the Artist and Lumen Arts

Our <u>Animal Law & Policy Clinic</u> also handled an everincreasing docket of projects under the supervision of Clinic Director Katherine Meyer. The Clinic's <u>lawsuit</u> <u>against the National Park Service</u> for its complicity in allowing California's Tule elk to starve behind a human erected fence and die slow, preventable deaths garnered <u>significant national media coverage</u> and drew further attention to how government agencies often prioritize agricultural interests over those of affected animals and members of the public.

This past summer brought the good news that the Ninth Circuit Court of Appeals <u>ruled in the Clinic's favor</u> in an Endangered Species Act lawsuit underscoring the intersection between animals and climate change. The Clinic had filed <u>an amicus brief</u> in the case on behalf of six scientists supporting a challenge to the Trump administration's refusal to list the Pacific walrus as "threatened" after deeply discounting the future negative impacts of global warming on Arctic sea ice. The brief was drafted by Clinic students Rebecca Garverman '21 and Ashley Maiolatesi '20, and Rebecca was thrilled while watching the oral argument when one of the judges directly quoted a passage she had written in the brief. Since the work of both the Program and Clinic are entirely donor funded, none of this work would be possible without the generous support of the following individuals and institutions who graciously ensure that our broad-reaching activities, scholarship, and policy work can continue to have positive impact for animals:

- Bob Barker
- Virginia Coleman
- Simone Friedman
- Brad Goldberg
- Phillip and Lynne Himelstein
- Ariel Nessel / Mobius
- Charles Thomas
- Animal Welfare Trust
- Brooks Institute for Animal Rights Law and Policy
- Stray Dog Institute



# PEOPLE

#### Animal Law & Policy Program Faculty and Staff

The Animal Law & Policy Program is led by Harvard Law School Professor <u>Kristen Stilt</u>, who launched the Program in 2014. She also directs Harvard's Program on Law and Society in the Muslim World. This past academic year Kristen has been on sabbatical as the <u>Maury Green</u> <u>Fellow at the Radcliffe Institute</u> to work on her forthcoming book about animals and the global halal foods industry.

Executive Director <u>Chris Green</u> has worked with Professor Stilt since 2015 to oversee the Program's strategic planning, coordinating, and development efforts. Program Administrator <u>Ceallaigh Reddy</u> manages all administrative and organizational needs. For the past two years, Visiting Assistant Clinical Professor <u>Katherine Meyer</u> has been the Director of our Animal Law & Policy Clinic working alongside Clinical Instructor <u>Nicole Negowetti</u>, who now serves as the Senior Director of Policy at the Plant Based Foods Association. <u>Sarah Pickering</u> has overseen the Program and Clinic's media efforts as Communications Manager, <u>Kate Barnekow</u> has served as Clinical Fellow, and <u>Ann Linder</u> has served as a Research Fellow managing our live animal markets project. Assisting Ann are Research Editors <u>Ted Geier</u>, <u>Bonnie Nadzam</u>, and <u>Valerie Wilson McCarthy</u>. In August, <u>Carney Anne Nasser</u> joined the team as a Clinic Research Fellow, and <u>Macarena Montes Franceschini</u> began working as a Rights Research Fellow. The\_ Clinic also benefitted from the support of Research Assistant <u>Lauren Hickey</u> and <u>Nirva Patel</u>, who interned with the Clinic as part of her Tufts' MS in Animals and Public Policy degree and will be joining our Program team in 2022.



Kristen Stilt Faculty Director



Eric Glitzenstein



Chris Green Executive Director



<u>Ceallaigh Reddy</u> Program Administrator



Katherine Meyer Clinic Director, Visiting Assistant Clinical Professor



<u>Sarah Pickering</u> Communications Manager



Clinical Instructor



Kate Barnekow Clinical Fellow



Ann Linder Research Fellow



Ted Geier Research Editor



Bonnie Nadzam Research Editor



Valerie Wilson McCarthy Research Editor



Carney Anne Nasser Clinic Research Fellow



Macarena Montes Franceschini Rights Research Fellow



Lauren Hickey Research Assistant



Nirva Patel Clinic Intern

#### **Visiting Fellows & Researchers**

In addition to our core team, each year the Animal Law & Policy Program hosts several Visiting Fellows and Visiting Researchers. These visiting appointments provide opportunities for outstanding scholars from a range of disciplines and legal practitioners to spend a semester or academic year in residence at HLS working on their own research, writing, and scholarly engagement on projects in the field of animal law and policy. During their stay they make use of the research facilities of the Law School and the University, participate in the intellectual life of the community, and present their scholarship in academic workshops. This past year we hosted eight Visiting Fellows (whom we fund after a formal application and selection process), and two Visiting Researchers (who come to HLS with outside funding).

The work of the Visiting Fellows and Researchers garnered significant media coverage over the past year, drawing public attention to animal law and policy issues. The outlets providing such exposure included: *CNN, CBS, Daily Mail, Financial Times, Fox, The Guardian, Independent, The Intercept, Medium, The New York Times, The Washington Post*, and *Wired*.

Our 2019–2020 Visiting Fellows and Researchers are listed alphabetically on the next page with their research project titles:



#### Rohini Banskota

Former Visiting Scholar, UC Berkeley Alternative Meat Lab Policy Analysis of Biogas Capture and Production at Animal Agriculture Facilities



#### Jan Dutkiewicz

Postdoctoral Fellow, Swiss National Science Foundation Politics and the Law in the Age of Food Animal Obsolescence



#### Helen Harwatt

Senior Research Fellow, Energy, Environment, and Resources, Chatham House Assessing the Impacts of Food Systems on Environmental Sustainability, Public Health, and Ethics



#### **Carolina Maciel**

Former Country Director, Humane Society International – Brazil The Role of OIE Animal Welfare Standards in International Trade Disputes



#### Alicia Rodriguez

*Fellow, Stray Dog Institute; Vice Chair, Board of Directors, The Humane League* Identifying Strategic Options for Building Long-Term Political Power for the U.S. Farmed Animal Protection Movement



### <u>Martha Smith-Blackmore</u> Adjunct faculty, Tufts Cummings School of Veterinary Medicine; Founder, Forensic Veterinary Investigations, LLC Impediments to the Prosecution of Animal Cruelty



#### Gabriel Wildgen

Senior Legislative Fellow, The Good Food Institute Identifying Strategic Options for Building Long-Term Political Power for the U.S. Farmed Animal Protection Movement

# **Program Work & Achievements**

The Animal Law & Policy Program and Animal Law & Policy Clinic had an eventful year of scholarly activity, research, online events, and litigation. Below we outline many of these accomplishments.

#### Animals as Rightsholders

In March, the Animal Law & Policy Program began collaborating with the Nonhuman Rights Project (NhRP) to prepare an **amicus curiae brief** for a case before Ecuador's Constitutional Court. Ecuador is the first country in the world to recognize the rights of nature at the constitutional level, and Ecuadoran lawyers requested our participation after the Harvard Law Forum published ALPP Faculty Director Kristen Stilt's article on the **Rights of Nature and Rights of Animals** in March 2021. Both organizations then agreed to use the opportunity to argue that at least some nonhuman animals should be entitled to legal rights under Ecuador's rights of nature framework.

The Constitutional Court decided to take up the issue of nonhuman animals' legal status in response to a habeas corpus case about a woolly monkey named Estrellita who was poached from the wild when she was one month old and lived as the private pet for nearly two decades. Estrellita then was seized by authorities and transferred to a zoo where she died while still in quarantine.

In April, the court agreed to allow the ALPP-NhRP team to submit the amicus brief. It is our joint position that scientific evidence of the cognitive and social complexity of woolly monkeys demonstrates that they should possess the right to bodily liberty (at minimum), and that the Ecuadoran authorities should have protected Estrellita's rights by examining her specific circumstances before placing her in the zoo. Kristen and ALPP Rights Research Fellow Macarena Montes Franceschini are contributing to the brief along with NhRP's President Steven M. Wise and Executive Director Kevin Schneider. The brief is due in December 2021 and a ruling is expected in early 2022.





#### **Live Animal Markets Project**

This past year, the Program continued overseeing a collaborative research project studying policy responses to live animal markets, which have been identified as sites that facilitate the transmission of zoonotic diseases such as avian influenza, Severe Acute Respiratory Syndrome (SARS), and COVID-19. These markets and the supply chains that support them are the source of many types of high-risk human-animal and animal-animal interactions. Animal markets exist throughout the world, including in the United States.

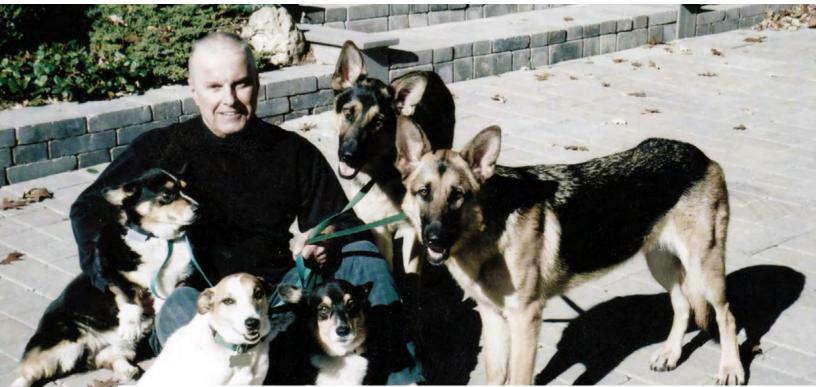
The project aims to provide a comprehensive assessment that will aid policymakers considering regulatory action, contribute to public education about zoonotic risks, and serve the human health and animal protection NGO communities. It will include individual country case studies conducted by international partner institutions as well as a United States case study written and researched by the ALPP team. Former ALPP Fellow Ann Linder is serving as the Research Fellow managing the project with the assistance of Research Editors Ted Geier, Bonnie Nadzam, and Valerie Wilson McCarthy, along with scores of student research assistants. Collaborating partners on the project include New York University's Center for Environmental and Animal Protection, the University of Denver's Sturm College of Law, Lewis & Clark Law School's Center for Animal Law Studies, NALSAR School of Law in Hyderabad, the Universidad del Pacífico's Environmental Management Clinic, the University of Ghana, the University of Toronto Faculty of Law, the University of Victoria Faculty of Law, Yale Law School's Law, Ethics & Animals Program, and Zhongnan University of Economics and Law in Wuhan, China.

In May, the Program presented preliminary findings from the India portion of the forthcoming report to Harvard's Mittal South Asia Institute with a panel moderated by Faculty Director Kristen Stilt that featured Ann Linder, former ALPP Visiting Fellow Jayasimha Nuggehalli, and Professor Vivek Mukherjee, who directs the Animal Law Centre at NALSAR University in Hyderabad. The project is being supported by generous funding from the <u>Brooks</u> <u>Animal Studies Academic Network</u> (BASAN), and the full report is expected to be published in early 2022.

#### **Brooks Animal Law Digest**

Clinical Fellow Kate Barnekow has continued to perform daily research on recent developments in the field of animal law and policy as well as relevant items in environmental law, food law, and administrative law. She then compiles that information into weekly summaries of the latest developments in federal and state case law, new and pending federal and state legislative initiatives and enactments, federal regulatory actions, published scholarship, and international news related to animal law. The resulting Brooks Animal Law Digest is disseminated exclusively by the Brooks Institute for Animal Rights Law and Policy without charge for the benefit of the animal welfare community at large, including practitioners, academic clinics and programs, and scholars.

These weekly updates draw from a wide swath of subject areas that impact nonhuman animals' lives, including the regulation of animal testing and research, the advertising and sale of animal products, breed-specific restrictions, setting up trusts for the care of companion animals, the treatment of companion animals in domestic violence cases, the conditions of animal breeding and slaughter operations, cultivated meat products, hunting, pollution, and wildlife in captivity. The digest also follows litigation, legislation, and regulation under key animal law statutes and other statutes often utilized in the field, such as the Animal Welfare Act, the Endangered Species Act, the Marine Mammal Protection Act, the Federal Meat Inspection Act, the Humane Methods of Slaughter Act, the Poultry Products Inspection Act, the Freedom of Information Act, and the Administrative Procedure Act. These updates also cover a wide variety of types of animals, including aquatic animals, companion animals, animals used for food and fiber, and captive wild animals. The Brooks Animal Law Digest serves as a valuable resource for anyone seeking to keep up to date on the latest developments in the field of animal law and policy. In August 2021, ALPP Clinic Research Fellow Carney Anne Nasser assumed the duties of preparing the weekly Digest. Anyone interested can subscribe to the Brooks Animal Law Digest.





#### **Animal Law & Policy Clinic**

The second year of the Animal Law & Policy Clinic further enabled Harvard Law School students to work directly on real-time animal law cases and policy projects, providing them with hands-on experience in policymaking, research, litigation, legislation, administrative practice, and organizational governance—both in the U.S. and internationally.

The Clinic is directed by Katherine Meyer, who remains one of the most experienced animal protection litigators in the country. Nicole Negowetti served as our Clinical Instructor until May 2021 as a nationally recognized food systems policy expert who has focused her teaching, scholarship, and advocacy on the impacts industrial livestock production has on animal welfare, the environment, and human health. Having helped the Clinic become established, Nicole began a new chapter this spring as Senior Director of Policy at the Plant Based Food Association. Kate Barnekow spent the academic year as a Clinical Fellow, preparing the Brooks Animal Law Digest and working on Clinic projects, such as taking the lead on the Tule elk litigation. In fall of 2021, Kate transitioned to working exclusively on such projects.

Two of the Clinic's most recent cases filed to protect primates used in research and keep endangered Tule elk from dying slow, preventable deaths were chronicled in multiple news outlets including Science Magazine, the Los Angeles Times, and the San Francisco Chronicle. Those articles and further coverage of the Clinic's projects appear in a media timeline on pages 25–35 of this report. Following is a chronological list of the Clinic's most important work of the past year.

With the pandemic I think people are only now just starting to understand how important animal law truly is. It is something that touches on all the most urgent existential problems today, from global warming, environmental destruction, the food agriculture system, and how that affects the health of Americans in our daily diets, the healthcare system, the rights of disenfranchised workers."

- Clinic student Susannah Benjamin '21

The Fall 2020 semester began with the Animal Law & Policy Clinic and the Center for Biological Diversity jointly sending a <u>letter to the National Park</u>. <u>Service</u> demanding that the agency remove a fence from Tomales Point in California's Point Reyes National Seashore that confines endemic elk on a peninsula with inadequate water. The fence was erected more than 42 years ago to keep the elk from competing with livestock for water and forage in the remainder of the park.

Clinic Director Kathy Meyer was quoted in the Los Angeles Times stating: "Unlike the privately owned cattle that have unrestrained access to water sources in this area, the elk are protected by federal law that requires the Park Service to 'conserve' them for the public and future generations. They should not be denied access to the water they need to survive."

That demand went unheeded, and despite assurances from the Park Service that they were "actively monitoring" the conditions, in March 2021 the Clinic learned that 152 more Tule elk died that year because they could not get access to food and water south of the fence-making up more than a third of the total Tomales Point elk population. The Clinic responded in June by filing a lawsuit against the National Park Service in federal court in the Northern District of California on behalf of three individuals and the Animal Legal Defense Fund. The litigation challenges the agency's failure to revise the General Management Plan for Tomales Point at Point Reyes National Seashore. The lawsuit was covered by a host of national news media, including Newsweek, the Associated Press, and the San Francisco Chronicle.

Later that same week, the Clinic filed a motion for a temporary restraining order and preliminary injunction to compel the Park Service to provide



The National Park Service
has a responsibility to protect
and preserve these beautiful
animals. The idea that
depriving them of food and
water somehow fulfills that
responsibility isn't just absurd,
it's undeniably inhumane."
– Clinical Fellow Kate Barnekow

food and water to the Tule elk to preserve the wildlife while the court considered the merits of the lawsuit. With drought conditions in California worsening each year, the Clinic believes the situation will become even more dire unless action is taken.

The lawsuit was filed by Clinical Fellow Kate Barnekow and Clinic Director Katherine Meyer, with much help from Research Assistant Lauren Hickey, a rising 3L at Fordham Law School, and Tufts Animals and Public Policy Master's Program student Nirva Patel, who is both a scientist and an attorney. Kate argued for the injunction before the federal judge hearing the case in July. While that motion was denied, the Park Service did put out supplemental water troughs for the elk and the court expedited schedule for addressing the merits of the case.

The Clinic since has filed a motion for summary judgment that is scheduled to be heard in February 2022. The Clinic's litigation importantly has generated substantial <u>media attention</u> for the issue, both nationally and locally.

In December 2020, the Clinic filed a brief opposing the United States Department of Agriculture's (USDA) motion to dismiss the Clinic's lawsuit challenging the agency's failure to update and improve its standards for the psychological well-being of primates used in research. Clinic students Brett Richey '21, Susanna Benjamin '21, and Research Assistant Rebecca Garverman '21 formulated the arguments and drafted the <u>brief countering the USDA's motion</u> that the lawsuit should be dismissed on Article III standing grounds.

The <u>case</u> is being litigated in the United States District Court for the District of Maryland on behalf of Rise for Animals (formerly the New England Anti-Vivisection Society) and the Animal Legal Defense Fund.

In January 2021, the Clinic similarly filed a brief opposing another USDA motion to dismiss another <u>Clinic lawsuit</u> challenging the agency's refusal to promulgate regulations prohibiting the inhumane handling of the more than nine billion chickens, turkeys, and ducks slaughtered for food each year in the United States. Clinic students Susanna Benjamin '21 and Elizabeth MeLampy '21 drafted the <u>brief countering the USDA's motion</u> that this lawsuit also should be dismissed on Article III standing grounds.

The case is being litigated in the United States District Court for the Western District of New York on behalf of the Animal Welfare Institute and Farm Sanctuary. In 2013, both organizations <u>petitioned</u> the Food Safety and Inspection Service (FSIS) to use the authority granted to it by Congress





under the Poultry Products Inspection Act to prohibit the inhumane handling of poultry in light of the agency's acknowledgement that the inhumane handling of birds at the slaughterhouse can result in "adulterated" poultry products.

In February, Clinic students filed a petition with the new Biden-Harris administration on behalf of the Center for Biological Diversity and more than 20 of the nation's leading climate scientists and prestigious law professors specializing in climate law. The petition urged the new administration to immediately rescind several policies directing federal agencies not to consider the effects of greenhouse gases and climate change when deciding whether to protect species by listing them as endangered or threatened under the Endangered Species Act, and when deciding whether agency actions may jeopardize the continued existence of endangered and threatened species, as required by the Endangered Species Act.

Some of these policies have been in place since George W. Bush's administration in 2008 and were expanded under the recent Trump administration. News outlets including E&E News and Harvard Law Today covered the story, quoting Elizabeth MeLampy '21, the Clinic student who took the lead in drafting the petition.

In May, Science Magazine published a major exposé concerning a secret policy uncovered by the Clinic under which the United States Department of Agriculture (USDA) is no longer performing full annual inspections of research facilities as required by the Animal Welfare Act. The revelation was discovered by Clinic students working on a Freedom of Information Act (FOIA) lawsuit against the USDA related to the Clinic's existing case challenging the USDA's failure to revise its standards for the psychological wellbeing of primates used in research. One of the principal justifications the agency gave for denying the original Petition to upgrade the primate standards was the assertion that it conducts full inspections of all labs every year-a claim our Clinic students now have exposed as untrue.

Clinic student Brett Richey '21, who acted as lead counsel in the underlying challenge, made the discovery while digging through more than 1,000 pages attained through a FOIA request to the USDA. She found, hidden among the minutiae of records, filings, and other documents, communications between employees and internal PowerPoint presentations outlining the secret policy—which the agency previously had stated publicly that it would not implement after receiving voluminous public comments opposing the move. Both the FOIA case and the underlying challenge to the denial of the primate rulemaking petition are pending before the same federal judge in Maryland.

Also in May, the Clinic filed a <u>petition with the U.S.</u> <u>Fish and Wildlife Service</u> (FWS) urging the agency to provide full protection to captive Canada Lynx under the Endangered Species Act (ESA). Under the current regulatory regime, wild members of the species receive full protection under the ESA while captive members receive no protection at all. Hundreds of Canada lynx are currently in captivity in the United States—in fur farms, as pets, in road-side zoos, and in faux wildlife photography outfits. Many of these animals are either killed for their fur, declawed, or abandoned as pets when they become adults.

The Petition, drafted by Clinic student Elizabeth MeLampy '21 and rising 3L Julia O'Neil, requests the FWS amend the Section 4(d) rule for the lynx to eliminate this exception that currently allows captive members of the species to be legally "taken" (commercially exploited, harmed, harassed, or killed). MeLampy stated that "the arbitrary exclusion of a captive member of a listed species is an unprecedented and unlawful deviation from decades of agency policy and practice for the Fish and Wildlife Service and should not be tolerated. These beautiful animals deserve the full protection that the Endangered Species Act entitles them to." The Clinic submitted the petition on behalf of People for the Ethical Treatment of Animals, the Animal Legal Defense Fund, and three sanctuaries that provide refuge to mistreated captive lynx: The Wildcat Sanctuary, Big Cat Rescue, and the Performing Animal Welfare Society.

In June, the Ninth Circuit Court of Appeals issued an important ruling in the Clinic's favor in an Endangered Species Act lawsuit underscoring the intersection between animals and climate change. The Clinic had filed an amicus brief in the case in April 2020 on behalf of six scientists supporting a challenge to the Trump administration's refusal to list the Pacific walrus as "threatened" after deeply discounting the future negative impacts of global warming on Arctic sea ice that the walrus depends upon for its entire life cycle. The brief was drafted by Clinic students Rebecca Garverman '21 and Ashley Maiolatesi '20, and Rebecca was thrilled while watching the oral argument when one of the judges directly quoted a passage she had written in the brief. She said it was the high point of her law school career.

In July, the Clinic received more good news that the State of New Jersey <u>cancelled its annual black bear</u> <u>hunt</u> for this year and perhaps permanently. During



You get more practical experience in the Animal Law & Policy Clinic than you would in any law school class. We do the research, we lead the client meetings, we write the briefs, so you're really kind of the leader in the entire trajectory of the project."

- Clinic student Rebecca Garverman '21

the spring semester of 2020, Clinic students Jack Patton '21 and Brett Richey '21, prepared a detailed legal memorandum for former New Jersey Senator Robert Toricelli explaining why the hunt was unlawful and should not be allowed to continue.

New Jersey Governor Phil Murphy had ended the bear hunt on state land in 2018, but was unsure he had the authority to stop the bear hunt on private land—which continued to result in hundreds of bears being killed each year. The Clinic's legal analysis on the issue was presented to Governor Murphy and the state subsequently ended the hunt.

In August, following that success on behalf of black bears, the Clinic filed an amicus brief for the U.S. Court of Appeals for the Ninth Circuit in support of the Center for Biological Diversity's effort to have the Fish and Wildlife Service revise its Grizzly Bear Recovery Plan to include expanding habitat that must be protected for the species-which is listed as threatened under the Endangered Species Act. The amicus brief was drafted by Clinic students Julia O'Neil '22 and Elizabeth MeLampy '21 on behalf of a coalition of law professors who specialize in environmental and administrative law to demonstrate that a Recovery Plan gualifies as a "rule" within the meaning of the Administrative Procedure Act and thereby requires the FWS to respond to the Center's Petition. The case is currently pending and expected to be argued in the spring of 2022.

In further support of the Clinic's pending <u>petition to</u> <u>the National Institutes of Health</u> to treat cephalopods (octopus, squid, and cuttlefish) as "animals" subject to the humane handling requirements that apply to all federally funded research, Clinic students and Clinical Fellow Kate Barnekow compiled and submitted additional evidence to the agency, including the 2021 Academy Award-winning documentary <u>My Octopus Teacher</u>.

The petition argues that Congress intended its legislation governing research to protect all animals, not just vertebrates, and was submitted by the Clinic on behalf of Rise for Animals, the American Anti-Vivisection Society, Physicians Committee for Responsible Medicine, Humane Society of the United States, Humane Society Legislative Fund, and eight of the world's leading scientific experts on cephalopods.

The Clinic also collaborated with the Massachusetts Healthy School Food Coalition and Balanced.org to develop and present <u>policy recommendations</u> for improving the nutrition of meals served in Massachusetts schools, including more plantbased meals. Clinic students Eric Macomber '22 and Susannah Benjamin '21 additionally worked on a project to assist farmers in transitioning from industrial factory farming to more sustainable ecofriendly farming.

# **ACADEMIC COURSES**

#### Wildlife Law Course

During the spring semester, Lecturer on Law Eric Glitzenstein taught our <u>Wildlife Law</u> course. Mr. Glitzenstein is the Director of Litigation at the Center for Biological Diversity (CBD) and was the co-founder and Managing Partner of the Washington, D.C.-based firm Meyer & Glitzenstein, one of the nation's leading public-interest law firms. On behalf of both national and grassroots nonprofit organizations, the firm specialized in the protection of wildlife and captive animals, environmental and natural resource conservation, and open government cases, among other issues. In addition to managing the firm and mentoring the firm's new attorneys, Mr. Glitzenstein has been lead counsel in many wildlife cases in federal courts throughout the country, including in various U.S. Courts of Appeals and in the U.S. Supreme Court. Mr. Glitzenstein's position at CBD entails overseeing and coordinating the organization's national litigation on behalf of wildlife, public health, and environmental justice.

The class provided a general introduction to wildlife law with an emphasis on the federal laws that are intended to protect wildlife. Topics addressed include the history of federal and state wildlife regulation with a particular focus on the principal federal statutes that regulate human interactions with wildlife, including such statutes as the Endangered Species Act, the Migratory Bird Treaty Act, the Marine Mammal Protection Act, the Bald and Golden Eagle Protection Act, and the National Environmental Policy Act. The course also addressed the constitutional underpinnings of federal wildlife regulation and current controversies regarding the scope of federal wildlife protection laws. To enrich that inquiry, Mr. Glitzenstein enlisted the knowledge of "guest experts" who joined the remote class to share their real-world experiences and take questions from the students.

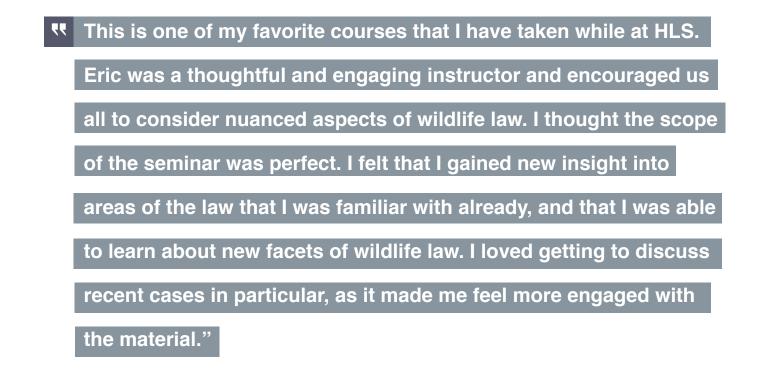
As one student explained:

I knew Wildlife Law was going to be interesting, but I didn't
 expect it to be my favorite class of the semester. I've become
 an admin law nerd over the past three years, and I got lots of
 that in this course. Beyond that, Eric is a terrific teacher—so
 experienced a litigator and it was just fun to pick his brain.
 Not only that, but he created a really safe environment."

#### This year's guest experts included:

- Sarah Uhlemann, International Program Director, Center for Biological Diversity
- Tanya Sanerib, Legal Director, International Program, Center for Biological Diversity
- Elizabeth Lewis, Associate Attorney, Eubanks & Associates; Adjunct Professorial Lecturer, American
  University Washington College of Law

The 22 students who took the Wildlife Law course gave great reviews of both Mr. Glitzenstein and the course:





I am very interested in Environmental and Wildlife Law so this course was extremely helpful in looking at some particularly influential current and past cases related to these areas. Eric's professional experience in the field and with some of the specific cases that we read was fascinating, as he was able to add color and background information to what was important to the courts and judges in those cases."

Eric highlighted important trends in the field. His class materials provided a great look at the broad array of laws that affect wildlife and how they work. He thoughtfully chose important cases that would get at both wildlife concerns and important doctrinal issues that wildlife attorneys regularly confront (like Article III standing)."

One student said that the course had helped them to prepare for the workplace:

#### **R** Eric made lots of time for students for conversations about

class and life/careers more generally. Those conversations were

tremendously useful for me. I now feel ready going into my

summer internship at Earthjustice's New Orleans office."

#### **Animal Law & Policy Clinic Seminar**

The Animal Law & Policy Clinic Seminar is the required classroom component for students enrolled in the Animal Law & Policy Clinic. In the course, Clinic Director Katherine Meyer and Clinical Instructor Nicole Negowetti introduced students to the broad range of substantive areas of law that animal law advocates face in their work, including the Animal Welfare Act, the Endangered Species Act, the Humane Slaughter Act, the Marine Mammal Protection Act, the National Environmental Policy Act, the Wild Horse and Burros Act, the Administrative Procedure Act, Article III standing, and state animal cruelty codes. Students learned how to pursue animal advocacy through several law and policy vehicles, including litigation, legislative initiatives, administrative rule-making petitions, open-government laws, and organizing strategies.

The Clinic Seminar also brought in several practitioners from the field each semester who shared their extensive experience with the students. The guests this past year and the topics they discussed included:

- Philip Lymbery, Global CEO, Compassion in World Farming COVID and Animal Agriculture: Advocacy Opportunities
- Cheryl Leahy, Executive Vice President, Animal Outlook Farmed Animal Advocacy Strategies Part 1: Legal Advocacy
- Nigel Barrella, Regulatory Counsel, Good Food Institute Farmed Animal Advocacy Strategies Part 2: Market-Based Theory of Change
- Aryenish Birdie, Executive Director, Encompass Diversity, Equity, and Inclusion in the Animal Rights Movement
- Lauri Torgerson-White, Director of Research, Farm Sanctuary Animal Agriculture & Farm Transitions
- **Kimberly Ockene**, Managing Attorney, Companion Animal Issues, Humane Society of the U.S. *U.S. Puppy Mill Litigation*
- **Tanya Sanerib**, International Legal Director, Center for Biological Diversity International Laws that Protect Animals

### **R** The Animal Law & Policy Program is why I came to law school"

The students gave extremely positive reviews for the classroom and practical elements of the Clinic in their end-of-semester course evaluations, including:

- Last semester we worked on a big submission—a petition to the Biden Administration—trying to get them to rescind policies that prevented agencies from thinking about climate change when deciding whether or not to consult under the Endangered Species Act. That effort required talking to dozens of scientist and lawyers out there who are working out there in this field to try to get them to sign on. Often you get theoretical doctrine in classes or to write memos and things but being able to actually do some of the coalition building and advocacy work and talk to the people who are in the field and then draft and work through edits with Kathy and other great lawyers was such an incredible experience."
- I got to write an amicus brief on behalf of a group of scientific experts that went in front of the Ninth Circuit Court of Appeals. During the oral argument for the case, the plaintiffs quoted verbatim from our brief and I got to see my own words being put up in front of a Ninth Circuit panel—which was just so phenomenal. It is an experience and opportunity you won't find anywhere else at Harvard Law School. It was just so absolutely astounding to be part of this incredible case helping these walruses."

There are so many incredible Harvard law professors who really understand the doctrine, but Kathy not only understands and can teach the doctrine so well, she also knows the practical application of it, and she is just an unbelievable mentor and teacher—so accessible, so fantastic to work with. I just can't overstate how much I have learned from being with her and working with her. And I just truly, truly recommend that anyone who has the opportunity sign up for this Clinic because it is truly unparalleled in the law school.

The Clinic has truly been the highlight of my law school career. I first joined the Clinic my spring semester of 2L and ever since I have been working with Kathy as a research assistant starting over the summer and through both semesters of my 3L year. I came to law school really interested in environmental law, I have an environmental science background, but then realized that my passions were really more animal-centric.

Kathy's a wonderful mentor, she's definitely the most meaningful faculty relationship I've had in my three years at Harvard Law School. In terms of the other students and the other people who work in the Clinic, the comradery is just really great. I feel like I truly found a community in the Clinic with people who care about the same things I do, who are passionate and kind, who are accessible, and always willing to talk.

> I am a huge fan of my time in the Clinic. I enrolled the first semester it was available last fall, and I've done it both semesters my 3L year. I've had such a wonderful time in the Clinic and I've learned so much. I'm so grateful for having been able to work on these projects with Kathy, Sarah, Chris and everyone else in the Clinic—it's been really fulfilling and exciting.

#### Animals and COVID-19 Reading Group

For the fall term, Professor Kristen Stilt taught a 1L reading group examining how human encroachment on animal habitats, and human use of animals in general, has created the ideal conditions for the emergence of zoonotic diseases such as COVID-19. The world focused on the live animal market in Wuhan, China as the suspected site of the spread of the virus that causes COVID-19, but this is certainly not the only site of concern. A strategy of prevention must take into consideration all human interactions with both wildlife and domesticated animals. This 1L Reading Group explored the origins of major zoonotic diseases, with specific attention to COVID-19. It also examined efforts by governments to regulate the human-animal interactions that are viewed as the most dangerous, including the trade in wildlife. Can we prevent the next pandemic through a rethinking of our relationships to animals? This 1L Reading Group aimed to engage first year law students in addressing this major question.

#### Disruptive Food Technologies: Law, Politics, and Policy Reading Group

During the fall term, Clinical Instructor Nicole Negowetti taught a weekly <u>2L & 3L reading</u>. group examining the legal, political, and policy-related aspects of emerging disruptive food technologies. It provided a venue for students to engage in robust discussions of timely topics such as the future of food, sustainability, the ethics of bioengineering crops and animals, and the challenges and opportunities of cell-based or "cultivated" meat. Given that feeding a growing population within planetary limits is a key question of our time, the participants explored and assessed the merits and risks of technological solutions to food insecurity and climate change. They also discussed and debated the key socioeconomic, political, and regulatory issues related to novel food technologies, such as gene editing, plant-based meat, dairy, and eggs, and cellular agriculture—the emerging science of producing animal products from cells instead of from live animals. Because the emergence of these technologies can be highly disruptive not only to the agricultural industry and livelihoods of those stakeholders, but to consumers and their sociocultural interactions with the products, the students examined the roles of policymakers, businesses, and the public in deploying disruptive food technologies in a way that advances sustainability, health, and equity.

#### **Animals and Politics**

The Animal Law & Policy Program serves as the institutional partner for Harvard College's Expository Writing Engaged Scholarship Course, <u>Animals and</u> Politics. ALPP Executive Director Chris Green guest lectures in the course, which this year was offered in both the fall 2020 and spring 2021 terms. He also helps evaluate the end-of-semester capstone projects for which the student teams collaboratively create websites, illustrated stories, music videos, satirical news segments, and student opinion polls to share the substance of their final papers in a more accessible format. Here is the course description:



Nonhuman animals play a major role in the lives of human animals. Yet, their contribution and impact is often ignored or understudied due to anthropocentric norms that are embedded in human systems and institutions. This course is an introduction to animals and politics through an interdisciplinary lens, drawing on political science, psychology, philosophy, sociology, and environmental science. In the course, we ask several questions. Why should humans care about animals and their wellbeing? How are (prejudicial) attitudes toward animals related to prejudicial attitudes toward humans (racism, sexism, homophobia...etc.)? What is animal agriculture's impact on the environment, and why have politicians failed to put this issue on the agenda? How is our relationship to animals central to understanding the causes and likelihood of pandemics like COVID-19? Is there an alternative to anthropocentrism in politics and society? In Unit 1, we begin by thinking through several prominent theorists' arguments about how and when humans should care about the wellbeing of animals. Should animals have rights? In this unit, you will also have a chance to interview friends and family members to gain an understanding of different perspectives on this question in your immediate and nearest "community." In the next unit, we turn our attention to four different areas that intersect with animals: the environment, health and pandemics, prejudicial attitudes (racism, sexism, homophobia...etc.), and political candidate evaluations. Students will have the opportunity to write an original research paper based on their own interests. Since even most disciplines and subfields are anthropocentric, there are many research questions that might benefit from "bringing the animal in." The semester will wrap up with a team-based capstone project that is presented to our community partner for the course, the HLS Animal Law & Policy Program. Based on your individual work in your research papers, the capstone project asks you to synthesize that work (within your team) to unlock your team's message to the world within a medium that YOU define (poster, art, social movement, website...etc..). What do you want the world to know about the collective research your team has done? You will also write a blog (500 words or 1000 words depending on whether you opt to write this as a team or individually) that you will pitch to an online journal or informational website of your choice.

# ANIMAL LAW & POLICY PROGRAM IN THE MEDIA

#### Park Service Avoids Order to Provide Elk Aid During Drought Bloomberg Law

On August 3, *Bloomberg Law* reported on a judge denying the Clinic's motion for a temporary restraining order and preliminary injunction to force the National Park Service to help Tule elk survive a drought in California pending its lawsuit. Judge Haywood Gilliam did, however, agree to move the case forward as expeditiously as possible. The hearing also was covered by the Marin Independent Journal and Point Reves Light.

#### Concerns Raised over Focused Versus Full Inspections at Research Facilities JAVMA

On July 1, the *Journal of the American Veterinary Medical Association* covered the Clinic's discovery of a secret USDA policy while working to promote better standards of care for primates in medical research facilities. "Katherine Meyer, director of the Harvard legal clinic, said in a message to JAVMA that the law requires full inspections each year to ensure laboratories comply with minimum standards of humane treatment. The animals already sacrifice their lives, she said, and they deserve protections that guarantee their care."

### Program/Clinic

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#### <u>"Sacred" Elk: How California's Drought</u> is Altering the Debate over Point Reyes Herd The Sacramento Bee

On August 8, *The Sacramento Bee* wrote an in-depth article about the Tule elk, describing the relief the Clinic's plaintiffs are seeing on the ground, and how issues of wildlife, climate change, and animal agriculture intersect in this case.



#### Endangered Elk Starve While the National Park Service Stands By Sentient Media

On July 15, *Sentient Media* covered the plight of the Tule elk, quoting Clinical Fellow Kate Barnekow: "The most obvious issue here is just the absolute lack of humanity with how the Park Service has been handling this issue... this is the worst way that an animal could die. It's a slow death. It's painful and it's horrific."



#### Animal Rights Group Sues Park Service, Says Point Reyes Tule Elk Dying of "Starvation and Dehydration" San Francisco Chronicle

On June 25, the *San Francisco Chronicle* covered the Clinic's lawsuit over starving Tule elk: "Harvard Law School's Animal Law and Policy Clinic filed a lawsuit Tuesday against Point Reyes and the National Park Service arguing that a fence used to keep elk within an enclosure on the Tomales Point peninsula is unlawful."



#### Animal Rights Organization Sues over Deaths of 152 Elk Newsweek

On June 23, *Newsweek* featured an article on the Clinic's Tule elk lawsuit: "On behalf of three California residents and the animal rights organization Animal Legal Defense Fund, Harvard Law School's Animal Law & Policy Clinic is suing the National Park Service for failing to provide sufficient amounts of food and water to Point Reyes National Seashore's resident tule elk, 152 of which succumbed to starvation, dehydration, or a combination of the two within the past year, according to the lawsuit."

#### "They Are Threatened": Protests Continue in Pt. Reyes as Tule Elk Controversy Heads to Federal Court ABC7 News

**JUNE 202** 

On June 28, *ABC7 Bay Area News* aired a segment about the Clinic calling for a temporary restraining order against the National Park Service. The video quotes Clinical Fellow Kate Barnekow saying, "The TRO would require the park system to act now in some way to make sure more elk don't die either from starvation or dehydration while the lawsuit is litigated in front of the district court judge."

#### Animal Rights Group Sues Park Service over Dying Elk Associated Press

On June 23, the *Associated Press* published a widely syndicated feature on the Clinic's Tule elk case quoting Clinical Fellow Kate Barnekow: "The National Park Service has a responsibility to protect and preserve these beautiful animals. The idea that depriving them of food and water somehow fulfills that responsibility isn't just absurd, it's undeniably inhumane."



#### Death by Design: How the National Park Service Experiments on Tule Elk Pacific Sun

On June 22, the Pacific Sun published an in-depth piece on the plight of the Tule elk. The plaintiffs are demanding that the Tomales Point fence be removed because it is illegally killing the tule elk through forced starvation and dehydration, the article said. More lawsuits are likely as more facts about the historical treatment of the tule elk come to light.

The Clinic's lawsuit against the National Park Service received additional feature coverage from *Huffington Post*, *Point Reyes Light*, *Patch*, and the *Marin Independent Journal*, among others.

#### Octopuses Not Recognized as Animals According to Welfare Act Dictating Lab Treatment

IFL Science

On May 26, following My Octopus Teacher winning the 2021 Academy Award for Best Documentary Feature, IFLScience quoted Clinical Fellow Kate Barnekow to report on how under existing law, cephalopods used in research are not required to be given the appropriate degree of care as other animals (use of analgesics, tranquilizers, paralytics, anesthetics, and euthanasia or suitable pre-surgical and postsurgical veterinary medical and nursing care).



#### Animal Rights Group Sues National Park Service over Dying Tule Elk Los Angeles Times

On June 22, the *Los Angeles Times* covered the Clinic's lawsuit against the National Park Service. Plaintiff Jack Gescheidt, an environmentalist and artist, has been visiting Tomales Point in the Point Reyes National Seashore for at least 20 years. "The knowledge that approximately a third of the Tomales Point herd of tule elk has already died from a lack of adequate water and forage is absolutely chilling," he said. "I see these beautiful animals and want them to experience a healthy, happy, safe life, but I know that so many of them will die—through no fault of their own."

#### "They're Lying to the Public" Harvard Law Today

MAY 202

On June 4, *Harvard Law Today* wrote a terrific piece focusing on Clinic student Brett Richey '21 who made the startling discovery about a secret USDA policy. Richey says her discovery showed that "the agency has made every effort, including concealing its inspection policy from the public and misrepresenting it to a federal judge, to avoid its legal obligation to ensure that primates used in scientific research are treated humanely."



#### Should Animals Have Legal Rights? New York Times Upfront

On May 10, the *New York Times Upfront* quoted ALPP Faculty Director Kristen Stilt for an in-depth feature on courts around the world beginning to consider granting human rights to other creatures. *New York Times Upfront* is a newsmagazine for high school students published by Scholastic Inc. in partnership with the *The New York Times*. "We're at the point where high cognitive animals with a very clear sense of their past, present, and future, along with familial units (such as elephants, primates, whales and octopuses), need not be treated as mere things," argues Kristen Stilt, Faculty Director of the Animal Law & Policy Program.



#### Rights of Nature, Rights of Animals Harvard Law Review

On March 20, the *Harvard Law Review* published an essay by Professor Kristen Stilt, Faculty Director of the Animal Law & Policy Program, as part of three commentaries on "ANIMAL LAW" in its online Forum. MARCH 202

#### So Why Did You Love "My Octopus Teacher"? The Harvard Gazette

On May 20, *The Harvard Gazette* covered a panel moderated by ALPP Faculty Director Professor Kristen Stilt in which scholars discussed the cognitive science and biology behind the popular, Academy Award-winning documentary My Octopus Teacher. The article referred to the Clinic's 2020 petition to the National Institutes of Health (NIH) urging it to include octopuses and other cephalopods among the animals entitled to humane treatment when used in federally funded research.

#### USDA Now Only Partially Inspects Some Lab Animal Facilities, Internal Documents Reveal Science Magazine

On May 5, *Science Magazine* published an exclusive exposé on the Clinic's discovery that the USDA was not annually inspecting all research facilities as legally required. "Such partial inspections violate the Animal Welfare Act, argues Katherine Meyer, director of Harvard Law School's Animal Law & Policy Clinic, which discovered the change after law student Brett Richey combed through more than 1,000 pages of internal USDA documents." The story also was covered by *The*. *Scientist, One Green Planet, Nature World News*, and *Marin Independent Journal*, among others.

#### Scientists and Law Professors Urge Biden to Pull Unlawful Endangered Species Act Rules

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#### Harvard Law Today

On February 12, *Harvard Law Today* published a feature on the Clinic filing a petition on behalf of more than two dozen leading scientists and law professors asking President Biden to immediately rescind key policies that restrict the government's consideration of harms from greenhouse gas emissions on animals such as the polar bear under the Endangered Species Act. The article quotes Clinic student Elizabeth MeLampy '21 who took the lead in drafting the petition.

# As Fire Burns, Activists Sneak into

Los Angeles Times

On September 1, the Los Angeles Times published an exlcusive feature about the joint letter the Clinic filed with the Center for Biological Diversity, demanding that the National Park Service remove a fence from Tomales Point in northern Point Reyes National Seashore that confines Tule elk on a peninsula with inadequate water amid an ongoing drought in California. "Unlike the privately owned cattle that have unrestrained access to water sources in this area, the elk are protected by federal law that requires the Park Service to 'conserve' them for the public and future generations," Katherine Meyer, director of Harvard Law School's Animal Law & Policy Clinic, said in a statement for the organization. "They should not be denied access to the water they need to survive."

#### La Corte Constitucional Decidirá Si Los Animales Son Cosas O Si Tienen Derechos El Commercio

On March 13, the oldest newspaper in Peru covered ALPP Faculty Director Kristen Stilt and the Program's work on a joint amicus brief with the Nonhuman Rights Project for a case exploring whether rights may be available to nonhuman animals in Ecuador, including under the country's "Rights of Nature" constitutional provision.



#### U.S. Supreme Court Rejects Petition Challenging Indiana's Right To Farm Law Indianapolis Star

On October 7, the *Indianapolis Star* reported on the Supreme Court's denial of the Clinic's petition to hear an appeal of an Indiana factory farming nuisance case. "Such newcomers could not sue for nuisance as they moved to or 'came to the nuisance,' said Andy Stawasz, a Harvard Law student who worked on the petition to the Supreme Court through the school's Animal Law & Policy Clinic." The news also was covered by *Sentient Media*.



# Faculty & Staff

FEBRUARY 202

OCTOBER 2020

#### Exclusive: Livestock Ships Twice as Likely to Be Lost as Cargo Vessels The Gaurdian

On October 28, *The Guardian* quoted ALPP Faculty Director Kristen Stilt in an article about how billion-dollar export trades puts lives of animals and crew at risk of "total loss" through faulty design and inexperience. "With the Guardian's shocking findings ... [it's] time for an open and honest assessment of an industry that has caused one crisis after another," said Prof Kristen Stilt, director of Harvard's animal law & policy program, currently writing a book about the transport of live animals. "That assessment should recognise that the transport of chilled and frozen meat is the way that nearly all meat travels in commerce today. The idea of sending live animals is a holdover from a bygone era." Kristen Stilt Faculty Director

> Cattle Stranded at Sea for Two Months Are Likely Dead or "Suffering Hell" The Guardian

On February 24, *The Guardian* quoted ALPP Faculty Director Kristen Stilt for an in-depth piece about two cargo ships carrying live animals being refused entry to multiple countries on health grounds since leaving Spain in December 2020. "Prof Kristen Stilt, director of Harvard's animal law and policy programme, who is writing a book about the transport of live animals, said it was an inherent risk with live transport that the animals would be rejected at their destination port. Once labelled as rejected, Stilt said it was 'very likely that no other country [would] accept them, as we are now seeing with the two vessels at sea with calves from Spain."



# Katherine Meyer

Clinic Director

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#### <u>"Tiger King" Fallout Unites PETA, Feds</u> to Fight Cub Petting

#### Bloomberg Law

On April 12, *Bloomberg Law* published a feature discussing the legal ramifications following the popular *Netflix* series "Tiger King." Describing a lawsuit against Jeffery and Lauren Lowe for separating young tiger cubs from their mothers for public photo opportunities, it reports "The case against the Lowes is a 'breakthrough moment,' said Katherine Meyer, visiting assistant clinical professor of law and director of the Animal Law and Policy Clinic at Harvard Law." "The U.S. Department of Agriculture in theory can take legal action against licensed or registered facilities that mistreat animals under the Animal Welfare Act. But the act doesn't have a private right of action, and the USDA rarely decides to bring an action, Meyer said." The article further notes how Clinic Director Katherine Meyer "was involved in one of the first lawsuits brought under the [Animal Welfare Act] to protect animals in captivity" in 1993.



Chris Green Executive Director

#### California's Coming Bacon Crunch The Economist

On August 19, *The Economist* quoted ALPP Executive Director Chris Green in an article that examines California's Proposition 12, which bans the sale of animal products raised using certain forms of extreme animal confinement. Chris highlighted that the pork industry chose to rely on challenging the law through multiple lawsuits that have failed at every turn rather working to meet the January 1, 2022 deadline. "'[They] had three years to change their housing systems. They instead chose to not comply,' says Chris Green of Harvard Law's Animal Law & Policy Program."



### Fellows

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#### Man v Food: Is Lab-Grown Meat Really Going to Solve Our Nasty Agriculture Problem? The Guardian

On July 29, Jan co-authored a piece with Gabriel N. Rosenberg for *The Guardian*'s "The long read" section. "If cellular agriculture is going to improve on the industrial system it is displacing, it needs to grow without passing the cost on to workers, consumers and the environment."



#### Pig Cuts Straight Through American Foodie Hypocrisy The New Republic

On July 23, Jan also wrote a review of *Pig*, the new Nicolas Cage movie, for *The New Republic*. "Behind the foodie ideal, there are real people doing real work, often brutally mistreated and underpaid, making it no different from the conventional food industry," he writes.

MAY 202

# The Truth Behind the Great Bacon Shortage of 2022

#### The New Republic

Jan Dutkiewicz ALPP Visiting Fellow

> On August 21, Law & Policy Fellow Jan Dutkiewicz wrote a piece for *The New Republic* about the panic over the effects of Proposition 12 in California on food prices and availability. "The panic from pork producers is palpable. It shows just how comfortable American agribusiness has become with a business model predicated on appalling cruelty—and how uncomfortable it is with the public exercising its democratic rights to reel it in with regulations. But while California's cage ban might save some animals from the worst of abuses, it will take much more than cage bans to challenge industrialized animal agriculture."

#### How Do You Convince People to Eat Less Meat? The New Republic

On July 28, *The New Republic* published another piece by Dutkiewicz about how a fracas in Spain shows that simply telling people to reduce meat consumption in the name of climate and personal health won't work.

#### John Kerry Doesn't Understand How Cows Work The New Republic

On May 19, in one of his many articles for *The New Republic*, Dutkiewicz wrote that small tweaks to the meat industry can't save Americans from a simple truth that we need to eat less meat.

# Labriculture Now

On May 17, *Logic Magazine* ran an in-depth piece by Jan Dutkiewicz and Gabriel Rosenberg, which said it is time to disrupt the toxic animal agriculture industry with bioreactor-brewed meat. "Intensive animal agriculture, which produces nuggets and most of the other meat that Americans consume, keeps the price of meat artificially low by operating at huge economies of scale and shifting the costs of this production onto people, animals, and the planet."

#### Seaweed-Fed Cows Burp Less Planet-Warming Methane

Smithsonian Magazine

Also on March 23, Dutkiewicz was quoted by *Smithsonian Magazine* as saying that giving cows seaweed in feedlots would only net an 8.8 percent total reduction in methane emissions. The article referred to a *Wired* article, in which Dutkiewicz and former ALPP Fellow Matt Hayek say that the claims that feeding seaweed to cattle could help reduce methane do not hold up to scrutiny.

# The Meat Industry's Bestiality Problem The New Republic

On December 11, *The New Republic* published an article by Jan Dutkiewicz and Gabriel Rosenberg about the meat industry's pushes for state-level exemptions from bestiality laws, and the sorts of politics and legal battles that happen around animal breeding and artificial insemination.

### Banning Chicken Cages Won't Make Eggs Humane

#### The New Republic

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On March 23, Jan wrote an article for *The New Republic* about a new bill in Utah banning chicken cages being neither a victory nor a reason to feel better about eating eggs. If anything, it is a reminder of the scale of the fight ahead, he said.



#### The Sadism of Eating Real Meat over Lab Meat The New Republic

On February 23, in an article for *The New Republic*, Jan explored how the rise of cellular agriculture will force consumers to consider the moral consequences of torturing and killing animals for food.

#### Instead of Reengineering Cows, Just Eat Less Meat The New Republic

On October 23, Dutkiewicz again wrote for *The New Republic* about meat consumption being the third rail in climate politics. But no amount of ingenuity is going to make feedlots good for the environment.

### The Climate Activists Who Dismiss Meat Consumption Are Wrong

#### The New Republic

On August 31, Jan wrote in *The New Republic* that "radical new imaginaries of a less anthropocentric earth hold out the promise that if we do manage to save the world, we will have built a world worth saving."



#### How Can Changing Your Food Shop Help Biodiversity? BBC

On October 24, the *BBC* quoted Helen: "If we add up the weight of all land mammals, including humans and wild animals, on the planet, farmed cows and pigs alone account for 51 percent. Of all birds, farmed chickens account for 57 percent. We're essentially pushing out wild animals and native ecosystems, and replacing them with farmed animals and cropland."



#### Helen Harwatt ALPP Food & Climate Policy Fellow

AUGUST 2020

**NOVEMBER 2020** 

OCTOBER 2020

#### World Cannot Meet Toughest Climate Targets Without Eating Less Meat, Study Says The Independent

On November 5, The Independent quoted ALPP Climate Policy Fellow Helen Harwatt in this feature on meat consumption's role in meeting Paris Agreement climate goals. "The research shows the world 'needs to reduce food emissions strongly and rapidly', says Dr Helen Harwatt, a senior research fellow at Chatham House and food and climate policy fellow at Harvard Law School, who was not involved in the study. She told The Independent: 'This is especially relevant if we want to avoid going above 1.5 degrees Celsius of warming in the next decade or so. While shifting to plant-based eating patterns is the most crucial part, it's not the only part. We need to see a meaningful inclusion of food systems in revised pledges to the Paris Agreement over the coming year."

#### In-Depth Q&A: What Does the Global Shift in Diets Mean for Climate Change? Carbon Brief

On September 15, Carbon Brief quoted Harwatt: "Dr Helen Harwatt, who led the call for "peak livestock", tells Carbon Brief signs of changing consumer habits are promising, but would not be enough to bring about the changes required: 'Not only do we need changes to happen on a much larger and more rapid timescale than what market signals from a relatively small group of consumers alone can deliver, we need system level changes to be implemented.' Failure to implement 'animal to plant protein shifts' would make drastic changes from other sectors 'far beyond what are planned or realistic' necessary, wrote Dr Helen Harwatt, an environmental social scientist at Harvard Law School." We need to see a meaningful inclusion of food systems in revised pledges to the Paris Agreement over the coming year."

#### Scorched Earth: A Conversation with Forensic Vet and Animal Hoarding Expert Dr. Martha Smith-Blackmore Herd Around the Barn

On July 29, Catskill Animal Sanctuary founder Kathy Stevens interviewed forensic veterinarian and animal hoarding expert Dr. Martha Smith-Blackmore for the podcast *Herd Around the Barn*. Martha discussed her work on animal cruelty and hoarding cases, the link between animal hoarding and forms of human exploitation, and her own experiences rescuing animals from hoarding situations.

#### For Plant-Based Nutrition, the Time is Now and it Must be Locally Driven Salaam Gateway

On October 12, a *Salaam Gateway* article referenced Helen's scholarship on animal agriculture and climate: "Without action, by 2030 the livestock sector could account for 37–49% of the global emissions allowable to keep warming under the 2°C target, according to estimates by Helen Harwatt of Harvard University."

#### The Carbon Opportunity Cost of Animal-Sourced Food Production on Land Nature Sustainability

On September 7, the journal *Nature Sustainability* published an article co-authored by Helen, former ALPP Fellow Matt Hayek, and others about the potential for carbon sequestration through ecosystem restoration. The authors "map the magnitude of this opportunity, finding that shifts in global food production to plant-based diets by 2050 could lead to sequestration of 332–547 GtCO2, equivalent to 99–163% of the CO2 emissions budget consistent with a 66% chance of limiting warming to 1.5 °C."

Martha Smith-Blackmore ALPP Visiting Fellow



**JULY 202** 

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### Students

### Elizabeth Melampy '21

#### Speaking for Animals

#### HLS Clinical and Pro Bono Programs

On April 16, 3L <u>Elizabeth MeLampy</u> published an account of her time with the Clinic, describing it as most important to her during her time at HLS. "In my three semesters in the clinic, I have written memoranda, motions, briefs, and petitions. I have sent a letter urging the Biden Administration to rescind policies that restrict the government from considering the impact of greenhouse gas emissions on animals under the Endangered Species Act (ESA). I have learned about substantive statutory schemes including the Poultry Products Inspection Act, the National Environmental Policy Act, the Administrative Procedure Act, and others. I've worked on projects related to captive animals, farmed animals, wildlife, oceans, and climate change. The variety of the Clinic's work has been engaging and fulfilling, providing students with new opportunities every semester."

#### Scientists and Law Professors Urge Biden to Pull Unlawful Endangered Species Act Rules Harvard Law Today

On February 12, *Harvard Law Today* published a feature quoting Elizabeth who lead the drafting of a petition on behalf of more than two dozen leading scientists and law professors asking President Biden to rescind key policies that restrict the government's consideration of greenhouse gas emissions impacting animals under the ESA. "As a law student preparing to practice animal and environmental law during the Earth's sixth mass extinction, I'm counting on President Biden to use every tool to make sure our coral reefs, our songbirds, and all the other glorious creatures living on Earth are still around for the next generation."

#### Brett Richey '21

"They're Lying to the Public" Harvard Law Today

On June 4, *Harvard Law Today* published an article about recent graduate Brett Richey '21 being deep into a Clinic case "when she ran across a string of emails that made her stop cold. While digging through more than 1,000 pages attained through a Freedom of Information Act request to the USDA, she found, hidden among the minutia of records, filings, and other documents, communications between employees and internal PowerPoint presentations outlining a policy on examining animal research facilities she thought directly contravened the Animal Welfare Act." Brett added, "I had a lot of responsibility: I wrote briefs, a lot of them. And I had a lot of help, but I got to take a front-facing role in projects that I normally wouldn't have. It informed what I want to do after law school, because I realized not only is litigation exciting but that I can do it. I am hoping that in my career I'll continue to be able to take the lead on projects that make a difference."



# **ALPP Student Writing Prize**

One of the goals of the Program is promoting student research and writing. Accordingly in May, we judged our sixth HLS **Animal Law & Policy Writing Prize**, an annual competition that awards \$1,000 for the best student paper related to animal law written in conjunction with a course, seminar, clinic, or as an independent study project at the Law School. This year Rebecca Gaverman '21 scooped both prizes for "No More Standing on the Sidelines: Novel Standing Theories to Get Advocacy Groups into Federal Court" and "Invasive Species or Welcome Neighbor? The Hippopota-mess in Colombia." The topics of Rebecca's two papers proved to be both timely and relevant when they subsequently intersected in a recent legal ruling, as reported by The Washington Post, "**Pablo Escobar's 'cocaine hippos' are legally people, U.S. court rules**."

# **Policy & Practice**

The ALPP receives many requests each year to informally and formally share its expertise on aspects of animal law and policy. Our faculty and staff engage with law firms, academics, authors, animal rights practitioners, government agencies, international organizations, and the media to provide answers and assistance as appropriate.

# Professor Kristen Stilt | Faculty Director

During the 2020–2021 academic year, Kristen has been on sabbatical as the <u>Maury Green</u>. <u>Fellow at the Radcliffe Institute</u> to work on writing her forthcoming book about animals and the global halal food industry. Her research involves meetings with academics, animal protection practitioners, human rights practitioners, halal certifiers, halal producers, governmental regulators and ministries, and international organizations in the US, UK, India, Singapore, Malaysia, Jordan, Australia, and New Zealand.

As part of her writing process, the ALPP hosted an intensive online manuscript workshop to discuss a draft in progress on January 29, February 4, and February 5, 2020. The workshop was sponsored by the <u>Brooks Animal Studies Academic Network</u> (BASAN), a project of the <u>Brooks Institute for Animal Rights Law & Policy</u>.

Within Harvard University, Kristen co-convenes the graduate student workshop Middle East Beyond Borders with Professor Malika Zeghal. She is a Faculty Associate of the <u>Harvard</u> <u>University Center for the Environment</u>, a member of the Steering Committee Cabinet of the <u>Lakshmi Mittal and Family South Asia Institute</u>, and a member of the Steering Committee of the Center for Middle Eastern Studies.

Outside Harvard, Kristen spent much of the past academic year collaborating with Professor Anne Peters, Director and Scientific Member at the Max Planck Institute for Comparative Public Law and International Law, and former ALPP Visiting Researcher Saskia Stucki, Senior Research Fellow also at the Max Planck Institute, as co-editors of the forthcoming Oxford Handbook of Global Animal Law. They intend the Handbook to be a comprehensive reference work that authoritatively establishes the new field of Global Animal Law though curated chapters by many leading animal law experts and scholars. The goal of the project is to map the field's contours, identify relevant legal principles and concepts, and establish a platform for further legal research. Kristen continued to devote a substantial amount of her time to developing the animal law and policy academic and practice community through her work with the Brooks Institute, serving on the Executive Committee, the Scholars Committee, and as a member of the Leadership Committee of BASAN and of the Brooks Animal Sentience and Cognition (BASCO) Initiative.

The Scholars Committee follows the latest developments in animal law and policy; surveys, reviews, and advises the Brooks Institute on programs and projects to advance academics and scholarship in animal law, animal policy, and related interdisciplinary animal studies; and plans scholarly gatherings. BASAN is a network of academics and their institutions with the mission of advancing scholarly knowledge and academic opportunities in animal law, policy, and related animal studies. The goal of BASAN is to facilitate interdisciplinary research and collaborations across universities. The BASCO Initiative aims to create new bridges among law, science, and narrative techniques to prompt a paradigm shift for nonhuman animal protection and rights.

This past summer, Kristen and ALPP Executive Director Chris Green also advised the Jeremy Coller Foundation on the creation and implementation of the <u>Coller Animal</u> <u>Law Forum</u>, an interactive database of laws and policies that aim to improve the global food system for animals, humans, and the environment. The project emerged from the foundation's June 2021 <u>Rethinking Protein</u> <u>Conference</u>, at which Kristen presented case studies from the U.S. and Australia on the panel "Creating a model law: Inter-country comparisons on factory farming."

Professor Stilt further participated in a variety of activities related to practice and policy that included serving on editorial boards, writing external peer reviews for academic publishers, advising animal protection advocates and organizations, and informing journalists. She serves on the Editorial Board of *Law & Social*  Inquiry and has served as an external reviewer for Cambridge University Press, Oxford University Press, the University of Chicago Press, *Law &* Social Inquiry, *Law and Society Review, Journal of Law and Religion*, and *Anthrozoös*.

# Brooks Animal Studies Academic Network (BASAN)

BASAN is a network of academics and their institutions with the mission of advancing scholarly knowledge and academic opportunities in animal law, policy, and related animal studies. Current member institutions include:

- Harvard Law School's Animal Law & Policy Program
- Lewis & Clark Law School's Center for Animal Law Studies
- New York University's Center for Environmental and Animal Protection
- University of Denver's Sturm College of Law
- University of Toronto Faculty of Law
- University of Victoria Faculty of Law
- Wesleyan University, Animal Studies
- Yale Law School's Law, Ethics & Animals Program

## Chris Green | Executive Director

Chris contributed to both the academic and practice communities by continuing to speak at conferences, courses, and events related to animal law and policy, as detailed below in the Scholarship & Presentations section. As part of that work Chris continued to serve this past year as a Vice Chair of the American Bar Association's TIPS Animal Law Committee, which he has since the Committee's inception in 2005. Given his experience in the film industry, Chris also helped advise and find international partners for the social impact initiatives of the 2021 documentaries, *STRAY* and *GUNDA*.

Chris additionally participated in several initiatives of the Brooks Institute for Animal Rights Law & Policy. The first was internally reviewing and editing the Brooks Animal Law Digest, a weekly summary of the latest developments in federal and state case law, new and pending federal and state legislative initiatives and enactments, federal regulatory actions, published scholarship, and international news related to animal law. The Digest is disseminated exclusively by the Brooks Institute without charge for the benefit of the animal welfare community at large, including practitioners, academic clinics and programs, and scholars.

Chris also served as a member of the Brooks Institute's Task Force on Courtroom Animal Advocacy Programs (CAAPs). These programs create opportunities for animal advocates (typically law students or volunteer attorneys) to participate in animal cruelty proceedings. The Task Force is comprised of 20 animal law experts with the goal of shaping policy thinking and potential structural next steps for the emerging legislative trend of CAAP enabling bills being introduced in states across the U.S. Under such legislation these advocates are statutorily authorized to monitor animal cruelty prosecutions, access case files, and offer the court information and recommendations distinct from that of the prosecution and the defense. Proponents of CAAP laws, which exist in Connecticut and Maine, argue the programs give animals a legal voice in criminal cases. Others are concerned that the implementation of CAAP laws could further exacerbate existing disparities and inequities in the criminal justice system. The Task Force convened for its first meeting virtually in June to discuss the "What, Why, and How" of CAAPs to set up a deeper discussion of these underlying substantive issues at a subsequent meeting in the fall of 2021.

Over the past summer, Chris also engaged in preliminary conversations with the Brooks Institute and other colleagues about reviving the National Animal Law Competitions—an annual student moot-court competition that was held from 2004–2016. Chris won first prize in the closing argument portion of the inaugural competition as a student, and then later judged the event for many years. The ALPP collaborated with the Center for Animal Law Studies on the competitions and hosted the last one at Harvard Law School. The conversations have been promising and the Brooks Institute is convening representatives from several of the existing animal law programs to more seriously gauge institutional and student interest and discuss what a new competition might entail.

# **PROGRAM EVENTS**

During the 2020–2021 academic year, the Animal Law & Policy Program hosted and co-sponsored several events featuring more than 25 notable speakers on animal law and policy-related topics. While the pandemic forced us to hold our events virtually this past year, that allowed those events to have even greater scope and reach—with speakers participating from distant locales such as Africa and India, and attendees joining from many other countries. Most of our lectures and events are collaboratively co-sponsored by the student-run <u>Harvard Animal</u> <u>Law Society</u>, along with other partnering research programs, institutions, and organizations. Our most notable events from this year are described in more detail on the following page.

## **Animal Law & Policy Workshop Series**

During the past academic year, the Program held two <u>Animal Law & Policy Workshops</u> in which up to two dozen academic colleagues convened via Zoom to review and critique drafts of our faculty and fellows' scholarship in progress. Experts in the subject matter of each topic participated along with the Program's faculty, staff, visiting affiliates, HLS SJD and LLM students, and Harvard University graduate students. We also welcomed the JD Student Board of the Harvard Animal Law Society to participate, along with others from outside the immediate Harvard community.

#### The authors and topics covered in this year's Workshop Series included:

#### Kristen Stilt

January 29, February 4-5, 2021 ALPP Faculty Director Food, Faith, and the Future of Planetary Health

Our first workshop was held over three days to discuss a draft manuscript of Faculty Director Kristen Stilt's forthcoming book, tentatively entitled, Food, Faith, and the Future of Planetary Health. The book focuses on animals and the global halal foods industry, and the workshop brought together over two dozen scholars and practitioners of both animal law and Islamic legal studies for deep conversations about the important questions and issues raised in the work. These meetings were opportunities for exchanges of information that not only informed her book project but also strengthened the Program's connections and influence in those fields.

The workshop was organized by Professor Justin Marceau of the University of Denver Sturm College of Law and funded by the Brooks Animal Studies Academic Network (BASAN), a project of the Brooks Institute for Animal Rights Law and Policy. You can see <u>a list of participant biographies</u> on the ALPP website.

# Alicia Rodriguez & Gabriel Wildgen

February 12, 2021 Animal Law & Policy Visiting Fellows Political Strategies for Farmed Animal Protection and Alternative Protein Policy

Our second workshop discussed a draft 82-page report identifying actionable strategic options for building long-term political power for the farmed animal protection and plant-based/food system transformation movement in the U.S. The report was researched and written by HLS alums Alicia Rodgriguez '15 and Gabriel Wildgen '20 during their fall 2020 Visiting Fellowships with the Animal Law & Policy Program. The goal of their joint fellowship was to prepare this comprehensive, ready-to-implement document outlining feasible paths to political power for advocates engaged in those issues-including detailed strategies to create targeted political fundraising platforms, new non-profit organizations, grassroots engagement programs within existing organizations, Political Action Committees (PACs), and strategic partnerships with other social justice movements. The final report addressed the feasibility of each strategic approach, including the short-term and long-term resources required, as well as any potential risks, opportunities, and obstacles.

# **Animal Law & Policy Panels**

This year we collaborated with colleagues across Harvard University and beyond to virtually host several insightful panels and speakers that offered perspectives on topics that included animal sentience, farmed animal protection, and zoonotic disease in collaboration with our HLS and broader network. These all can be viewed by clicking on the links below or found on our <u>Animal Law & Policy Program YouTube channel</u>.

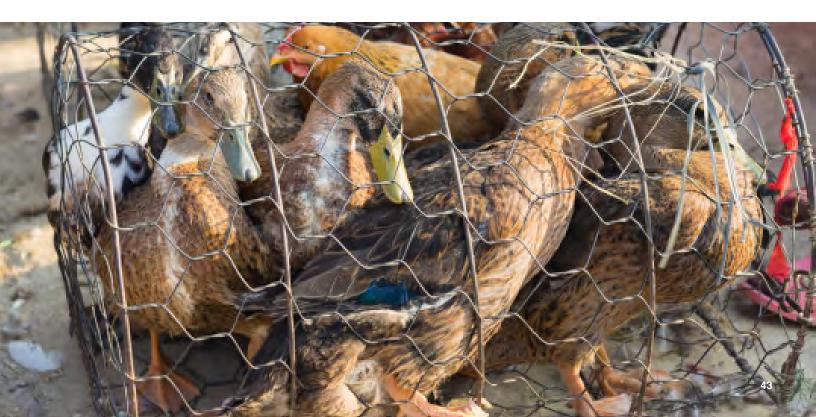
# Animal Origins of Global Pandemics: Can Law and Policy Prevent the Next One?

May 20, 2021

In May, the Animal Law & Policy Program collaborated with Harvard's Mittal South Asia Institute to present preliminary findings from the India portion of our Live Animal Markets Project—which is examining global policy responses to zoonotic risks and how we might prevent future outbreaks. Animal markets exist throughout the world and have been identified as sites that facilitate the transmission of zoonotic diseases such as avian influenza, Severe Acute Respiratory Syndrome (SARS), and COVID-19.

The panel was moderated by ALPP Faculty Director Kristen Stilt and featured:

- Ann Linder, ALPP Research Fellow supervising the Live Animal Markets Project.
- Vivek Mukherjee, Assistant Professor of Law and Director of the Animal Law Centre at NALSAR University in Hyderabad, which is a partner on the Project.
- Jayasimha Nuggehalli, Co-founder and Chief Operating Officer of Global Food Partners, former Managing Director of Humane Society International, India, and former Visiting Fellow with the Harvard Animal Law & Policy Program.



# My Octopus Teacher – Mind Brain Behavior

May 17, 2021

Also in May, the Animal Law & Policy Program collaborated with Harvard's <u>Mind Brain Behavior Interfaculty</u> <u>Initiative</u> to co-host a fascinating online panel about the cognitive and behavioural science behind the Oscar-winning documentary *My Octopus Teacher*. More than 250 people tuned in to learn from experts in psychology, neuroscience, and veterinary medicine who research cognition and intelligence in octopuses and cephalopods. The event was followed up with a <u>feature in The Harvard Gazette</u>.

The panel was moderated by ALPP Faculty Director Kristen Stilt and featured:

- **David Edelman**, *PhD, Visiting Scholar*, Department of Psychological and Brain Sciences, Dartmouth College
- Megan K. Mueller, *PhD, Co-Director*, Tufts Institute for Human-Animal Interaction; Assistant Professor, Cummings School of Veterinary Medicine
- Alex Schnell, PhD, Research Associate, Department of Psychology, University of Cambridge

You can watch the full panel discussion here: "My Octopus Teacher Panel Discussion."



# Antibiotics in Agriculture: Preventing the Next Pandemic

Nov. 18, 2020

In November, we hosted our third biennial event in partnership with the U.S. Public Interest Research Group to kick off the international Antibiotics Awareness Week 2020. The online panel drew over 375 attendees and explored how research, collaboration, and policy can encourage better antibiotic stewardship in animal agriculture and human health care. The event was additionally co-sponsored by the Student Animal Law Society, the HLS Food Law Lab, HLS Food Law & Policy Clinic, Green Century, and the Petrie-Flom Center for Health Law Policy, Biotechnology and Bioethics at HLS.

The panel was moderated by Animal Law & Policy Clinical Instructor Nicole Negowetti and featured:

- Andrew Jacobs, Global Health Reporter, The New York Times
- Chris Oliviero, General Manager, Niman Ranch
- Dr. Payal Patel, Infectious Disease Specialist, University of Michigan
- Sydney Riess, Public Health Campaign Associate, U.S. PIRG
- Kezia Smithe, ESG Analyst, FAIRR Initiative

You can watch the full panel discussion here: "Antibiotics in Agriculture: Preventing the Next Pandemic."





# **Animal Law & Policy Practice Series**

To familiarize students with the practice of animal law and policy, and help get them integrate into the practitioner network, each April we typically organize an annual "Animal Law Student Trip" to Washington, D.C. to visit major animal protection organizations, government agencies and legislative offices. This year, due to COVID restrictions, we brought animal law practitioners to HLS virtually for our students to learn about the daily practice of animal law and policy as well as the various career options available to them at some of the top organizations doing substantive legal work in the field:

### **Center for Biological Diversity**

April 9, 2021

Eric Glitzenstein, Director of Litigation Hannah Connor, Senior Attorney (Factory Farming) Ryan Shannon, Staff Attorney (Endangered Species Act)

Mercy for Animals

March 26, 2021

Daina Bray, General CounselJohn Seber, Senior Vice President of AdvocacyAJ Albrecht, Director of Government Affairs

## **Animal Law & Policy Speakers Series**

# Nov. 18 - Dana Wagner, Chief Legal Officer at Impossible Foods

"Fireside Chat with Dana Wagner of Impossible Foods"

ALPP Clinical Instructor Nicole Negowetti joined Dana Wagner, Chief Legal Officer at Impossible Foods, to discuss Dana's career path, the challenges that Impossible Foods faces, and what it has in store for the future. Impossible Foods aims to replace animals in the food system by 2035 by making delicious, affordable meat and dairy products from plants. To date, Impossible Foods has raised \$1.5 billion toward its goal of transforming the global food system. The event was co-hosted by the Harvard Food Law Society and the Harvard Journal of Law & Technology.

# **Oct. 28 – Ilana Braverman**, *Director of Outreach, Better Food Foundation* "DefaultVeg – Sustainable Event Meals"

The Animal Law & Policy Program joined the Harvard Office for Sustainability and Harvard College Women's Center to host a presentation by Ilana Braverman on her organization's work to promote the event planning concept of <u>DefaultVeg</u>. She explained how this strategy simply involves serving plant-based foods by default at events, while still allowing attendees to request non-plant-based meals individually. Adopting DefaultVeg as a policy or a new norm can help align events with an organization's values for sustainability, worker labor justice, and animal welfare, while not being perceived as taking anything away or limiting choice. And the data show that the vast majority of event attendees are more than content to just keep the plant-based meal initially offered.

# **Oct. 2 – Katherine Meyer**, *Director, Harvard Animal Law & Policy Clinic* "Using Existing Law to Protecct Farmed Animals"

To mark the World Day for Farmed Animals international day of recognition, ALPP Clinic Director Katherine Meyer gave a presentation about farmed animal protection litigation she has been involved in throughout her career. These inititatives ranged from challenging the siting of confined animal feeding operations to fighting for humane handling standards for poultry and other animals. Since 1983, the annual observance of World Day for Farmed Animals, or World Farm Animals Day, on October 2nd (Gandhi's birthday) has provided an opportunity to educate and inform broader audiences about the treatment of animals raised for food.

# Animals, Capital, and the Law Lecture Series

In the spring of 2021, the Animal Law & Policy Program partnered with the Canada Program at Harvard's Weatherhead Center for International Affairs to host a series of events focused on <u>Animals, Capital, and the</u> Law. The series was co-curated by ALPP Law & Policy Fellow Jan Dutkiewicz and featured former ALPP Visiting Fellow Amy Fitzgerald along with several members of the Brooks Animal Studies Academic Network.



Jan. 26 – Alex Blanchette, Associate Professor and Interim Director of Environmental Studies at Tufts University Discussant – Amy Fitzgerald, Associate Professor, Department of Sociology, Anthropology, and Criminology at Great Lakes Institute for Environmental Research "Off-Animals, Creatures of an Exhausted Industrial Capitalism"



Feb. 26 – Jodi Lazare, Assistant Professor of Law, Schulich School of Law, Dalhousie University Discussant – Maneesha Deckha, Professor of Law, University of Victoria "Ag-Gag in Canada and the Constitutional Right to See"



Mar. 30 – Kenneth Fish, Associate Professor, Department of Sociology, University of Winnipeg Discussant – Will Kymlicka, Professor of Philosophy, Department of Political Studies, Queen's University "Co-Workers or Living Factories? Biotechnology and the Concept of Animal Labour"



Apr. 27 – Anya Zilberstein, Associate Professor, Department of History, Concordia University Discussant – John Clegg, Collegiate Assistant Professor, Department of History, University of Chicago "Provisioning People and Other Animals Since the 18th Century"



# Harvard Animal Law Week 2021

During the first week of March, we co-hosted the 7<sup>th</sup> Harvard Animal Law Week with Harvard Law School's Animal Law Society. This year's Animal Law Week events covered a broad range of topics that included careers in farmed animal advocacy, female vegan anti-poaching teams in Africa, climate litigation, COVID-19 in the meatpacking industry, and the future of meat itself. Below is the full list of speakers, with hyperlinks to videos of the lectures:

**Mar. 1 – Peter Brandt,** *Managing Attorney at HSUS*, in conversation with visual artist **Sue Coe** who talked about their respective careers and Peter's new book for which Sue illustrated the cover. Peter was the Animal Law & Policy Program's first Visiting Fellow in 2017, during which he conceptualized the project and wrote several draft chapters of this book.

"Indefensible: Adventures of a Farm Animal Protection Lawyer"

Mar. 2 – Jessica Blome, Senior Associate Attorney at Greenfire Law, Santiago Guisasola, Research Associate at IAMECON, and Cassie King, Communications Lead for Having Kids discussed rewilding in the context of Jessica's pending climate policy case against the U.S. government in the Ninth Circuit. "Rewilding as Animal (human and non-human) Liberation"

Mar. 3 – Maria Wilhelm, Producer; Nyaradzo Hoto, Akashinger ranger; and Damien Mander, Founder of the International Anti-poaching Foundation discussed this documentary about all-female, plant-based ranger teams battling the illegal hunting of elephants in Zimbabwe. The film was Executive Produced by three-time Academy Award winner James Cameron for National Geographic. "Akashinga: The Brave Ones"

**Mar. 4 – Deborah Berkowitz** of the National Employment Law Project and former senior official at OSHA, discussed conditions for vulnerable, low-wage workers in dangerous roles in the meat and poultry industry.

"Back to the Jungle: The Impact of Covid in Exposing Meat Industry Labor Conditions."

**Mar. 5 – Sanah Baig**, *Chief of Staff at the Good Food Institute who recently served on the Biden-Harris USDA transition team*, discussed that work and her six years in the Obama Administration serving as a political appointee at USDA in a variety of capacities.

"From Regulation to Reinvention: An Inside Look at the Evolving Politics of Meat"











# **Animal Law & Policy Film Series**

In April, the Animal Law & Policy Program's Executive Director Chris Green hosted an exclusive online screening of the film <u>GUNDA</u> to over 300 leaders in the animal protection movement. The film was directed by Victor Kossakovsky and executive produced by Joaquin Phoenix. It chronicles the lives of a mother pig, a flock of chickens, and a herd of cows, unfiltered, in black & white, with no humans, no dialogue, and no musical score—just the voices of the animals themselves and the sounds of the environments they inhabit.

GUNDA provides a window to experience life as these animals do, taking in the world from their point of view. The result implores the audience to appreciate the reality of animal consciousness and emotion, while also confronting the way these sentient beings are treated by humanity—even in the most idyllic of settings. This important documentary asks us to meditate on the mystery of animal consciousness, and reckon with the role humanity plays in it. You can watch Chris's interview with the film's director at the link below.

#### Q&A with Gunda's director Victor Kossakovsky

PROGRA LAW SCHOOL R D INVITES YOU TO AN ADVANCE SCREENING OF GUNDA FOLLOWED BY A VIRTUAL CONVERSATION WITH ALPP EXECUTIVE DIRECTOR CHRIS GREEN AND DIRECTOR VICTOR KOSSAKOVSKY

THURSDAY, APRIL 157 7:30 PM EST

RSVP TO SPICKERING@LAW.HARVARD.EDU TO RECEIVE A PASSWORD PROTECTED LINK THAT WILL BE VALID FOR 48 HOURS.

"A MESMERIZING PERSPECTIVE ON SENTIENCE WITHIN ANIMAL SPECIES. IT IS A FILM OF PROFOUND IMPORTANCE AND ARTISTRY."

EXECUTIVE PRODUCER

neon



# **PLACEMENT**

# **HLS Graduates**

The Animal Law & Policy Program works to help our students secure full-time employment directly in animal law and other related public interest realms.

This past August former HLS Animal Law President Alene Anello '16 decided to leave her position as a Litigation Staff Attorney at the Animal Legal Defense Fund and establish her own not-profit animal farmed advocacy organization, Legal Impact for Chickens. She and Alicia Rodriguez '15 also have organized 50 other Harvard Law graduates who are in the process of creating the Animal Law & Policy Network, an HLS alumni Shared Interest Group that will provide a forum for continued professional engagement on these issues.

Chris Green always has been there for me when I needed him for anything—from collecting ballot initiative signatures when I was in law school to giving advice to me for Legal Impact for Chickens. When Chris signs on to help someone in the animal law movement, he will do whatever it takes to help that person accomplish their goal."

- Alene Anello '16

Last fall Alicia Rodriguez '15 joined Gabriel Wildgen '20 to work on a collaborative research project as Visiting Fellows with the Animal Law & Policy Program. Their semester-long Fellowships resulted in an extensive, 80-page report that identified strategic options for building long-term political power for the U.S. farmed animal protection movement with the goal of providing a guide for philanthropists and advocacy organizations to create projects to meet this need.

In the spring, Alicia then became a Fellow with the <u>Stray Dog Institute</u> where she focuses her research and writing on law and policy impacting animals in the food system—with a particularly interest in academic institutions' role in shaping the strategies of the farmed animal protection movement. Alicia also continues to serve as Vice Chair of the Board of Directors for The Humane League.



Following his Fellowship, in January Gabriel became a Senior Legislative Specialist at The Good Food Institute where he lobbied to increase federal funding for research into alternative protein development. In the fall of 2021, Gabriel will be transitioning to The Humane League to become the organization's Director of Public Policy to implement the strategies outlined in the report he and Alicia prepared during their ALPP Fellowship.

In August, Kelly McGill '20 also joined The Good Food Institute as a Senior Legislative Specialist where she represents the organization on Capitol Hill as one of the organization's federal lobbyists. For the year prior, Kelley had been working for the Vermont General Assembly's Office of Legislative Counsel where she researched and drafted legislation related to agriculture and the environment. Kelley and Gabriel both served together as co-presidents of the HLS Animal Law Society during their final year of law school.

Piper Hoffman '99 similarly served as president of the Student Animal Legal Defense Fund and was instrumental in successfully agitating to have Harvard Law School offer its inaugural course in Animal Rights Law in the spring of 2000—making HLS one of the <u>first law schools</u> to do so. That initial course led ALPP Executive Director Chris Green to return to HLS instead of enrolling in veterinary school and also inspired Bob Barker to establish the world's first animal law endowment at Harvard, so Piper indirectly has played a major role in laying the groundwork for the success of animal law at HLS. This past November, Piper returned to full-time animal protection work by becoming the Senior Director of Legal Advocacy at Animal Outlook where she oversees the organization's legal docket focused exclusively on farmed animals. Next spring Piper also will be teaching Animal Law at NYU school of law.



# **PLACEMENT – ALPP Fellows & Visiting Researchers**

Our Visiting Fellows and Researchers also have successfully obtained full-time positions in both animal protection and academia after their time with the Animal Law & Policy Program.

In March 2021, on International Women's Day, former Fellow <u>Alice Di Concetto</u> announced the creation of her own consultancy firm, the <u>European Institute for Animal Law & Policy</u>, dedicated to helping organizations advance the interests of animals in European law and policy. In that capacity, Alice began providing expert research, training, public affairs, and monitoring services to nonprofits, public administrations, and private companies to help them achieve better legal treatment of animals. This work includes advocating for the implementation of Article 13 of the Treaty on the Functioning of the European Union, which mandates the European Union and the Member States to "pay full regard to the welfare requirements of animals" by virtue of their sentience.

Alice additionally spent much of the past summer helping create the <u>Coller Animal Law Forum</u> (CALF), an interactive database that collates and analyzes a focused selection of laws and policies that aim to improve the global food system for animals, humans, and the environment. The CALF database features laws and policies, both enacted and proposed, from around the world that address issues from animal welfare to environmental protection to antibiotics overuse. For the previous two years Alice was working in Brussels with the Eurogroup for Animals and she continues to be a lecturer in animal law at the Sorbonne Law School and in animal ethics at Sciences Po.

Saskia Stucki continued her animal law scholarship as a Senior Research Fellow at the Max Planck Institute for Comparative Public Law and International Law this past year and had some of the work she developed as an ALPP Visiting Researcher accepted for publication. Saskia also is one of the key collaborators on the Oxford Handbook of Global Animal Law and plans to return to Harvard to further that work in the spring of 2022.



# **ADVISING**

# Graduate Students – HLS & Harvard University

Graduate students are critical members of the ALPP community because their career aims are to enter academia to focus their research, writing, and teaching on animal law and policy or to include it as one of several fields of interest. Kristen currently is advising three graduate students. M.H. Tse is an S.J.D. candidate whose dissertation focuses on theories of property and personhood for non-human animals. Sam Bookman also is an S.J.D. student who is focusing on environmental constitutionalism, climate litigation, and rights of nature. Ashton Macfarlane is a joint J.D.– Ph.D. (History of Science) candidate focusing on animal law and policy. Ashton has been involved with the ALPP from its origins in 2015, when as a sophomore at Harvard College he took our first Wildlife Law course and took the first Animal Law class Professor Stilt taught after she arrived at HLS. Both Sam and Ashton completed their doctoral qualifying exams in the spring of 2021.



## J.D. Students

ALPP Faculty Director Kristen Stilt serves as a faculty mentor for the <u>Brooks Institute's</u> <u>Emerging Scholars Fellows</u> program. Those academic year fellowships are awarded to 2L and 3L law students interested in pursuing a career in law teaching and developing a scholarly agenda in the field of animal law. The goal of the fellowship is to increase the number of well-qualified persons who intend to pursue a law school faculty appointment and intend to make animal law a significant component of their teaching and research.

For the 2020–21 academic year, each of the inaugural Brooks Emerging Scholars Fellows were Harvard Law students, Elizabeth MeLampy '21 and Andy Stawacz '21. This year they also both served as the co-presidents of the HLS student Animal Law Society. At this year's virtual Commencement ceremony, Elizabeth was honored with Harvard Law School's Clinical and Pro Bono Outstanding Student Award for her work with the Animal Law & Policy Clinic.



After graduation, Elizabeth will spend the coming year as a Law Clerk for the Massachusetts Supreme Judicial Court.

Andy also was recognized at Commencement for winning the 2019–20 ALPP Writing Prize. In addition to his work with the Animal Law Society, Andy also was the President of Harvard Law School Effective Altruism, and the Executive Technical Editor for the Harvard Journal on Legislation. He will be spending his first year after law school as a Legal Legal Fellow with the Institute for Policy Integrity at NYU School of Law.

My interest in what policymaking processes capture and omit, combined with my interest in animal law, led me to my current research focus: how cost-benefit analyses systematically fail to account for nonhuman animals' interests. Such omission yields policies that are insufficiently sensitive to harms that accrue, or foregone benefits that would accrue, to such animals. My ongoing writing projects argue that such insensitivity is unjustifiable as a matter of morality and of policy. They also suggest ways in which regulators can most tractably and accurately value nonhuman animals' interests."

This past year, several current HLS JD students also spent time working with a wide range of outside organizations related to animal protection—either via in-person internships or externships during the academic term.

One of those students was Tommy Raskin, who worked for Mercy for Animals his 1L summer. It was with great sadness that we learned of Tommy's passing on the last day of 2020. In the note Tommy left behind, he asked his family "Please look after each other, the animals, and the global poor for me." To honor Tommy's memory and request, the Raskin family established the <u>Tommy Raskin Memorial Fund for People and Animals</u>, which will distribute grants on a semiannual basis to causes and charities championed and advanced by Tommy. To date, the Fund has raised roughly one million dollars, and one of its first gifts was to Mercy for Animals to make their summer legal internship program a paid opportunity—ensuring that the program is accessible to all law students. The family announced the grant at Tommy's <u>memorial service</u> in April which was attended by many of his HLS classmates. In explaining their motivation for the grant, Tommy's sister, Hannah Raskin, shared:

Tommy learned so much about being an effective lawyer, writer, and advocate at Mercy For Animals, and we want others to enjoy the same experience while building the strength of the animal rights movement."

₹₹



The Animal Law & Policy Program had several conversations with students about the best way to memorialize Tommy at Harvard Law School and suggested hosting an annual day of public service at HLS. Tommy's friends discussed the idea with the Raskin family who decided to combine the suggestion with the existing Acts of Goodness in Honor of Tommy. Raskin project and create the annual "Tommy Raskin Day of Good Deeds" to encourage people to engage in acts of compassion each year on Tommy's January 30<sup>th</sup> birthday. The ALPP plans to organize group acts such as volunteering at local sanctuaries, shelters, and food banks, once it is safe to do so.



# **Scholarship & Presentations**

# ALPP Faculty, Staff, and Fellows

Beyond facilitating the scholarship of others in the animal law and policy community, the Animal Law & Policy Program's faculty, staff, Visiting Fellows, and Visiting Researchers further conducted academic research, produced published scholarship, and presented publicly on a wide variety of animal law and policy topics. That work from the past year is summarized below.



## Professor Kristen Stilt – Faculty Director

Professor Kristen Stilt – Faculty Director

# PUBLICATIONS

#### Articles

• "Rights of Nature, Rights of Animals," 134 Harvard Law Review Forum 276 (2021).

## **Works in Progress**

- "Halal and Puzzle of Animal Welfare," Speaker, Canadian Animal Law Conference (September 12, 2020).
- "The Handbook of Global Animal Law (ed. with Anne Peters and Saskia Stucki) (under contract by Oxford University Press for the Oxford Handbook series).
- "The End of the Ritual Bubble" (article).

## Papers, Presentations, Panels

- "Halal and Puzzle of Animal Welfare," Speaker, Canadian Animal Law Conference (September 12, 2020).
- "A Comparative Legal Study of Food, Faith, and the Future of Planetary Health," University of Tehran Law School (June 21, 2021).
- "Creating a Model Law: Inter-Country Comparisons on Factory Farming," FAIRR Initiative and Jeremy Coller Foundation, Conference on Rethinking Protein: Accelerating Law and Policy in the Global Food System (June 3, 2021).
- "Halal Animals," Radcliffe Institute Fellows Presentation (February 2, 2021).

### **Guest Lectures**

- In the Animal Law Fundamentals Course, Lewis & Clark Law School (November 18, 2020).
- In the Food Law Course, Lewis & Clark Law School (February 17, 2021).
- In the Animal Law Course, Northwestern Law School (April 7, 2021).



## **Chris Green – Executive Director**

### PUBLICATIONS

Chris Green – Executive Director

#### Papers, Presentations, Panels

- "Alternative Animal Advocacy: Channeling Public Sentiment into Substantive Welfare Advances," University of Illinois, Animal Studies Summer Institute (July 16, 2021).
- "Conversation with Director Victor Kossakovsky," Interviewer, GUNDA Film Preview, Harvard Law School (April 1, 2021).
- "Regulating 'Exotic' or Dangerous Wild Animals," California Animal Law Symposium, Golden Gate University School of Law (March 19, 2021).
- *"STRAY*—Film Premiere Panel," Panelist (February 18, 2021).
- "Animal Law Developments in China," American Bar Association International Animal Law Committee Meeting (January 17, 2021).
- "When the State Hurts Animals: From Dog Shootings to Prison Farms," Canadian Animal Law Conference, (September 12, 2020).

### **Guest Lectures**

- In the Animals and Politics course, Harvard College (April 1, 2020).
- In the Companion Animal Law course, Lewis & Clark Law School (February 25, 2021).
- In the Animals and Politics course, Harvard College (November 12, 2020).



STRAY film still © Elizabeth Lo



## Katherine Meyer – Clinical Director

#### PUBLICATIONS

Katherine Meyer – Clinical Director

#### Papers, Presentations, Panels

- "Litigating for Animals in a Climate Crisis," Moderator, The Animal Law Conference (October 24, 2020).
- "World Farmed Animal Day Webinar," Speaker, Harvard Law School (Oct 2, 2020).



# Nicole Negowetti – Clinical Instructor

#### PUBLICATIONS

Nicole Negowetti – Clinical Instructor

#### Articles

- "Democratizing Ownership and Participation in the 4th Industrial Revolution: Challenges and Opportunities in Cellular Agriculture," Agriculture and Human Values (with Robert Chiles, Garret Broad, Leland Glenna, Siena Baker, Mark Gagnon, and Megan Griffin) (forthcoming 2021).
- "Taking (Animal-Based) Meat and Ethics Off the Table: Food Labeling and the Role of Consumers as Agents of Food Systems Change," 99 Oregon Law Review 101 (2020).
- "Planetary Health Approach to the Labeling of Plant-Based Meat," 75 Food and Drug Law Journal 142 (2020).

#### Papers, Presentations, Panels

- Moderator, "Fireside Chat with Dana Wagner, Impossible Foods Chief Legal Officer," Harvard Law School (November 18, 2020).
- Moderator of panel discussion, "Antibiotics in Agriculture: Preventing the Next Pandemic," Harvard Law School (November 18, 2020).



#### Kate Barnekow – Clinical Fellow

### PUBLICATIONS

Kate Barnekow - Clinical Fellow

#### Reports

Brooks Animal Law Digest, The Brooks Institute (2019–2021, weekly).

#### **Works in Progress**

 "Seeking the Advancement of Animal Law" (chapter in forthcoming collection "The Good It Promises, The Harm it Does: Critical Essays on Effective Altruism", ed. by Carol Adams and Alice Crary).

#### Papers, Presentations, Panels

- Legislative and Regulatory Updates Panel, Moderator, Animal Law Conference (October 25, 2020).
- Career Panel, Speaker, Animal Legal Defense Fund Virtual Student Convention (October 17, 2020).
- "Labelling Wars: From Veggie Burgers to 'Humane' Meat," Canadian Animal Law Conference (September 13, 2020).

#### **Guest Lectures**

• "The Ethics of Animal Testing," Lewis & Clark Law School (July 26, 2021).



Anne Linder – Research Fellow

### PUBLICATIONS

Anne Linder – Clinical Fellow

### Papers, Presentations, Panels

• Legislative "Preventing the Next Pandemic: Animal Law & COVID-19," Canadian Animal Law Conference (September 13, 2020).



## Jan Dutkiewicz – Law & Policy Fellow

## PUBLICATIONS

Anne Linder – Clinical Fellow

## **Book Chapters**

• "Viande Cellulaire," in *La Pensée Végan*e, ed. Renan Larue (Paris: Presses Universitaires de France, 2020).

#### Articles

- "Sanctuary to Table Dining? Cellular Agriculture and the Ethics of Cell Donor Animals," *Politics and Animals*, 7 no. 1 (2021), 1–15 (with Elan Abrell).
- "A Public Health Ethics Case for Mitigating Zoonotic Disease Risk in Food Production," *Food Ethics*, doi: 10.1007/s41055-021-00089-6 (2021) (with Justin Bernstein).
- "The Ism in Veganism: The Case for a Minimal Practice-Based Definition," *Food Ethics*, doi: 10.1007/s41055-020-00081-6 (2021) (with Jonathan Dickstein).
- "Veganism as Left Praxis," *Capitalism Nature Socialism*, doi: 10.1080/10455752.2020.1837895 (2020) (with J. Dickstein, J. Guha-Majumdar, and D. Winter).
- "Considering Plant-Based Meat Substitutes and Cell-Based Meats: A Public Health and Food System Perspective," Frontiers in Sustainable Food Systems, 4:134, doi: 10.3389/fsufs.2020.00134 (2020) (with R. Santo, B. Kim, S. Goldman, E. Biehl, R. Neff, M. Bloem, K. Nachman).

# **Essays and Op-Eds**

- "John Kerry Doesn't Understand How Cows Work," *The New Republic* (May 19, 2021).
- "Labriculture Now," *Logic*, Issue 13, pp. 95–110 (May 17, 2021) (with Gabriel Rosenberg).
- "Banning Chicken Cages Won't Make Eggs Humane," *The New Republic* (March 23, 2021).

- "Want Carbon-Neutral Cows? Algae Isn't the Answer," *WIRED* (March 17, 2021) (with Matthew Hayek).
- "The Sadism of Eating Real Meat Over Lab Meat," *The New Republic* (February 23, 2021) (with Gabriel Rosenberg).
- "The Meat Industry's Bestiality Problem," *The New Republic* (December 11, 2020) (with Gabriel Rosenberg).
- "Instead of Re-Engineering Cows, Just Eat Less Meat," *The New Republic* (October 23, 2020) (with Gabriel Rosenberg).
- "The Climate Activists Who Dismiss Meat Consumption Are Wrong," *The New Republic* (August 31, 2020).
- "Burgers Won't Save the World—But Fast Food Might," WIRED (August 7, 2020) (with Gabriel Rosenberg).

### **Works in Progress**

- "Misplaced Concern" (invited book review of *Gestures of Concern* by Chris Ingraham, forthcoming in *Cultural Politics*).
- "Porkopolis" (invited book review of Porkopolis by Alex Blanchette, forthcoming in Journal of Peasant Studies).

### Papers, Presentations, Panels

- Organized and convened the "Animals, Capital, and the Law" lecture series, cohosted by the Weatherhead Center for International Affairs and the Animal Law & Policy Program at Harvard University, and by the D4 Center at Concordia University (April 27, 2021).
- "Cellular Agriculture and Techno-Pragmatism in the Anthropocene." (with Anne Barnhill). Centre de Recherche en Éthique Environmentale et Animale (GRÉEA) at the University of Montreal. (held online) (March 31, 2020).
- Ask the author: "Considering plant-based meat substitutes and cell-based meats." (with Raychel Santo and Brent Kim). Table Debates (Oxford University). (held online) (March 12, 2020).

- "Peak Anthropocene: Cellular Agriculture and the Politics of Disruptive Harm Reduction." (with Anne Barnhill) 10<sup>th</sup> Annual Bowling Green State University Workshop in Applied Ethics and Public Policy. (held online) (November 26, 2020).
- "What's the -ism in veganism?" Association for the Study of Food and Society (ASFS) Annual Meeting. (online) (June 14, 2021).
- "Labeling Wars: From Veggie Burgers to 'Humane' Meat," Canadian Animal Law Conference. (September 13, 2020).

#### **Grants and Awards**

 "Social Sciences and Humanities Research Council of Canada (SSHRC) Partnership Engage Grant: "COVID-19: Assessing zoonotic pandemic and public health risks in alternative protein production." (\$18,600 CDN)



# Helen Harwatt – Food & Climate Policy Fellow

Helen Harwatt - Food & Climate Policy Fellow

### PUBLICATIONS

#### Articles

- "The Carbon Opportunity Cost of Animal-Sourced Food Production on Land" (with Hayek, M. N., Ripple, W. J., and Mueller, N. D.) *Nature Sustainability* (September 2020), doi: 10.1038/s41893-020-00603-4
  - o Reported on by 55 media outlets.
  - Article metrics show the article is in 99th percentile in terms of attention received, from all 19 million journal articles tracked, and is ranked third in Nature Sustainability (of 687 outputs), and first compared to 47 outputs of a similar age.

#### Works in Progress

• "A Paris-compliant emissions trajectory for the livestock sector. A survey of international experts" (report, forthcoming in fall 2021).

### Papers, Presentations, Panels

- "Plant Based Diets and Greenhouse Gas Emissions." Webinar for university chefs. The University Caterers Organisation (August 27, 2020).
- "Carbon Opportunity Costs A New Frontier for Understanding Food Impacts and Climate Change Mitigation Potential of Diet Change?" Panel: Do We Need to Stop Eating Meat and Dairy to Tackle Climate Change? Carbon Brief (September 17, 2020).
- "Eating Our Way to a Greener Planet: Reforesting Agricultural Land to Meet Climate Goals". Plant for the Planet Youth Summit (October 17, 2020)."
- "Restoring Native Ecosystems on Spared Agricultural Land". Planet in Crisis conference. Scientists Warning Europe (November 2, 2020).
- "The Crucial Role of Food in Climate and Biodiversity Plans". Briefing for Local Councils. Scientists Warning Europe. (March 25, 2021).
- "The Crucial Role of Food System Transformation in Climate Policy". 2021
   International Symposium on Animal Law. University of Connecticut (April 9, 2021).
- "The Crucial Role of Food and Farming Transformation in Climate and Biodiversity Plans." Grow Green Conference (June 1, 2021).
- "The Crucial Role of Food Ssystem Transformation in Climate and Biodiversity plans". Animal Politics Foundation World Conference (July 10, 2021).





# Carolina Maciel – Visiting Fellow

Carolina Maciel – Visiting Fellow

It has been reinvigorating to be back to academia catching up with the latest scholarly publications in the field of animal law and policy, composing an overview of Brazil's regulatory advancements and setbacks in relation to animal protection, and taking the time to collect, review and appraise the elaboration and recognition of intergovernmental animal welfare standards. The ALPP fellowship is an excellent disruptive experience in a person's life that fosters intellectual growth and energy recharging for continued efforts to improve society's relationship with non-human animals. I feel very grateful for this opportunity, and for the possibility of undertaking the fellowship in a hybrid form that started remotely due to COVID-19 travel restrictions, and shall soon be in person at the campus. I appreciate the flexibility and thoughtfulness of the ALPP team to make viable this hybrid format, as well as the guidance of HIO on the paperwork process for visa application, and the staff from the library who assist me remotely on the search of some relevant publications.

# PUBLICATIONS

### **Works in Progress**

- "Brazil Country Report: Regulatory Analysis" (report, forthcoming in Live Animal Markets Project).
- "Brazil Case Study" (book chapter, forthcoming in Handbook of Global Animal Law, ed. Anne Peters, Kristen Stilt, Saskia Stucki).
- "The Interconnectedness of The Animal Welfare Recommendations Adopted by the World Organisation for Animal Health (OIE) and the International Trade Regulatory Framework" (ongoing research on the process of elaboration and adoption of OIE recommendations and relevant cases disputing international standards adjudicated by the World Trade organization (WTO).



## Alicia Rodriguez – Visiting Fellow

Alicia Rodriguez – Food & Climate Policy Fellow

The report I wrote with my co-Fellow, Gabriel Wildgen, explored ways to build more political power for farmed animals in the United States, and planted seeds for funders and nonprofits to launch projects to meet this need. I graduated in 2015 from Harvard Law School and therefore did not have the opportunity to be a part of the ALPP as a student, which began the semester after I graduated. It was a privilege to join the ALPP as a Fellow and to work on a project that had practical implications for animals and the farmed animal protection movement. I enjoyed learning from the other Fellows, who had a range of academic perspectives and impressive experiences.

#### PUBLICATIONS

#### Reports

 Political Strategies for Farmed Animal Protection and Alternative Protein Policy, Harvard Animal Law & Policy Program (2021).Reported on by 55 media outlets.

#### Papers, Presentations, Panels

• Presentation of *Political Strategies for Farmed Animal Protection and Alternative Protein Policy* to the Farmed Animal Funders group (February 2021).



#### Martha Smith-Blackmore – Visiting Fellow

Martha Smith-Blackmore – Visiting Fellow

So far this year, my ALPP fellowship has focused on part-time, independent scholarship. I am looking forward to September when we can commence in person. I am especially excited to turn my attentions to Impediments to the Prosecution of Animal Cruelty full time.

Thus far I have requested public records related to animal cruelty investigation efforts by the law enforcement departments of the Massachusetts Society for the Prevention of Cruelty to Animals and the Animal Rescue League of Boston submitted to the Massachusetts State Police in accordance with state law. After my first request for the last two years of records, I was told there were none. After my second request for records stretching back for 10 years, I was told the records were so voluminous that there would be a \$500 charge to process.

I have since submitted a request to waive the fee in accordance with state law as my request is in the public interest, that the request is not a commercial interest, and that the fee would be a hardship. This request was sent mid-April, and I have been engaged in phone tag since then with the attorney for the Massachusetts State Police. There is an option to file civil suit which I may have to pursue.

On an upbeat note, I did an interview with Kathy Stevens, founder of the Catskill Animal Sanctuary on her "Herd Around the Barn" podcast that aired on July 28. While the topic was animal hoarding, we dissected the reasons that animal cruelty investigations sometimes fail to result in prosecutions, even when animal cruelty crimes are identified.

#### PUBLICATIONS

#### **Book Chapters**

 Current Rules and Regulations for Dogs Working in Assistance, Service and Support Roles in Veterinary Clinics: Small Animal Practice, Volume 51–4 (with Maureen McMichael). (June 2021).

#### Works in Progress

 "Investigating Animal Abuse Crime Scenes: A Field Guide" (book, forthcoming from CRC Press, Taylor & Francis Group, (with Virginia Maxwell, anticipated fall 2021).

#### Papers, Presentations, Panels

- "Forensic Veterinary Series: Becoming a Forensic Veterinarian," Royal Veterinary College (London, UK), online presentation hosted by the Student AVMA, shelter medicine and pathology clubs (February 3, 2021).
- Presentation of a written impact statement on behalf of "Jack" Bermudez, sentencing hearing, Middlesex Superior Court, a Golden Retriever Puppy killed in the context of domestic violence (February 12, 2021).

- "2021 Animal Cruelty Investigations Seminar," Haverhill (MA) Police Department, four-hour training for law enforcement and animal control officers, hosted by Commonwealth Police Legacy (May 25, 2021).
- "One World, One Health," in the ABA International Animal Law Committee Newsletter, Winter/Spring 2021 (with Lenore Montanaro) (June 8, 2021).
- Declaration on the condition of Tule elk prepared for the U.S. District Court, Northern District of California. (June 15, 2021).
- Presentation of a written impact statement on behalf of "Coco" Basden, sentencing hearing, Norfolk Superior Court, a Chihuahua killed in the context of domestic violence. (June 18, 2021).



## **Gabriel Wildgen – Visiting Fellow**

My co-Fellowship with Alicia Rodriguez at the ALPP was an incredibly rewarding and fulfilling experience. It gave us the opportunity to do a deep dive into some of the most pressing questions around the need to create more political power for the farmed animal protection and alternative protein policy movements. It was an invaluable learning experience, and an exceptional opportunity to lay the groundwork for meaningful policy change for animals. It was exciting and gratifying to have the opportunity to present our confidential final report to philanthropists and movement leaders who have the ability to enact our recommendations was exciting and gratifying. Given that some of our recommendations are now in the early stages of implementation, I am thrilled to know that our Fellowship work may soon have a significant impact on the lives of countless animals raised for food.

I am grateful to the Harvard Animal Law & Policy Program for making this opportunity possible, and for all of the important support and guidance we received along the way from funders, faculty, staff, and other Fellows in the Program. Further, I am thankful for the dozens of advocates and policy professionals who gave their time to grant Alicia and me interviews as we conducted our research and crafted our recommendations. Lastly, I am especially grateful to Alicia for being such a fantastic research partner, and for becoming such a good friend in the process.

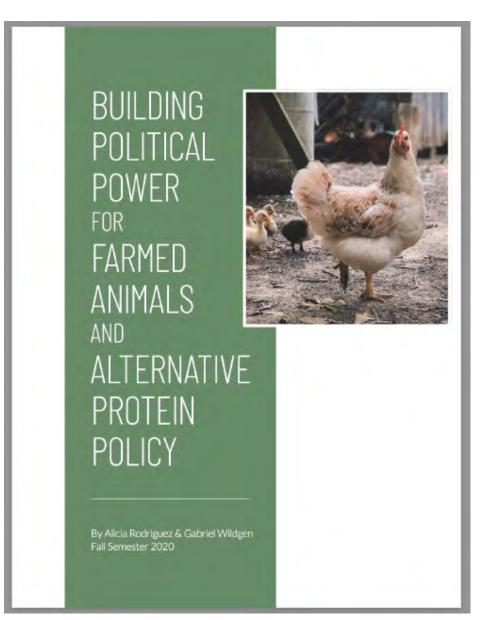
## PUBLICATIONS

#### Reports

 Political Strategies for Farmed Animal Protection and Alternative Protein Policy, Harvard Animal Law & Policy Program (2021).

## Papers, Presentations, Panels

 Presentation of Political Strategies for Farmed Animal Protection and Alternative Protein Policy to the Farmed Animal Funders group (February 2021).



# Looking Forward to the 2021–2022 Academic Year

From fall 2020 to September 2021 all learning, teaching, academic programming, and events had to be conducted remotely due to COVID-19. We were excited that our community could finally come together again on campus in September and we are proud of the way in which we supported one another and created new opportunities while working remotely—such as using Zoom to host events that could be accessed by people throughout the world, including new listeners who could engage with us in real time.

This year, the Brooks McCormick Jr. Animal Law & Policy Program will host an impressive new cohort of Visiting Fellows, continue its Animal Law & Policy Workshop Series, add new course offerings, welcome guest speakers, and create new events both on and offline as safety protocols advise. You can stay up-to-date with our work by signing up for our newsletter via the <u>Animal Law</u> & <u>Policy Program website</u>, which also features news about our work, information about events and opportunities, and closed-captioned recordings of our speaker series and symposia.

For the 2021-2022 academic year we will be hosting 19 Fellows, Scholars, and Researchers. Eric Glitzenstein also will re-join us as a Lecturer on Law to teach our Wildlife Law course.



## The 2021–22 Fellows are listed below with their research project titles:

Odile Ammann | Visiting Scholar

The Power of Agricultural Interest Groups in Legislative Processes

Kate Barnekow | Clinical Fellow

John Bliss | Visiting Scholar

#### Larry Carbone | Visiting Fellow

Of Mice and Monkeys: Making Welfare Laws Work for Animals in Laboratories

#### Danielle Diamond | Visiting Fellow

Transformative Rural Justice for All: Across Differences of Social Space, Time, and Species

#### Jan Dutkiewicz | Law & Policy Fellow

Politics and the Law in the Age of Food Animal Obsolescence

#### Laura Fox | Visiting Fellow

Ways Private Insurers Can Change Animal Use Practices and How to Encourage Insurers to Exercise their Power to Improve Animal Welfare

#### Helen Harwatt | Food & Climate Policy Fellow

Assessing the Impacts of Food Systems on Environmental Sustainability, Public Health, and Ethics

#### Garet Lahvis | Visiting Fellow

Ideology and Practice in Animal Research: Essays for a Lay Audience

Ann Linder | Research Fellow Global Policy Responses to Live Animal Markets

#### Carolina Maciel | Visiting Fellow

The Standing of the Animal Welfare Recommendation Adopted by the World Organisation for Animal Health (OIE) within Contemporary International Trade Law

Macarena Montes Franceschini | Rights Research Fellow

#### Carney Anne Nasser | Visiting Fellow

The Standing of the Animal Welfare Recommendation Adopted by the World Organisation for Animal Health (OIE) Within Contemporary International Trade Law

#### Iván Sandoval-Cervantes | Visiting Fellow

"Dead Letter": Animal Law, Activism, and Mexican Politics

#### Lesley Sharp I Visiting Fellow

LAB ANIMAL BIOCAPITAL: Transforming Animal Worth in American Science, Sentiment, and the Law

#### Michelle Sinclair | Visiting Fellow

Chinese Livestock Leaders Perception of the Feasibility and Usefulness of National Animal Welfare Legislation.

#### Jeff Skopek | Visiting Fellow

Three Challenges for Animal Rights: Cows, Zebras, and Painless Mice

<u>Martha Smith-Blackmore</u> I Visiting Fellow Impediments to the Prosecution of Animal Cruelty

Saskia Stucki | Visiting Researcher One Rights: Human and Animal Rights in the Anthropocene





## ADDRESS

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