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Dear Members of the Joint Committee on Environment and Natural Resources,

We write to provide you with important information relevant to H.966 / S.544, which would prohibit the production and sale of force-fed waterfowl products in Massachusetts. We are affiliated with the Brooks McCormick Jr. Animal Law & Policy Program at Harvard Law School (ALPP), the premier academic animal law and policy program in the world. Kristen Stilt is Professor of Law and Faculty Director of the ALPP and Ann Linder is Associate Director of Research. A significant amount of our research and teaching focuses on animal law, animal welfare, and zoonotic disease and we have decades of experience between us.¹ We offer our views to you as academics and researchers and are not providing an institutional statement from Harvard Law School or Harvard University.

Force-feeding waterfowl is highly problematic for several reasons. Beyond the clear and significant animal cruelty inherent in force-feeding, using this method to produce animal products, such as foie gras, poses serious public health risks. Force-feeding involves close, intense, and frequent physical contact between producers and birds during the manual process of a human worker physically restraining the animal and putting a tube down the animal's throat several times a day. The worker holds the tube in place as food is pumped through the tube into the animal's esophagus.² Each of these human-animal interactions creates opportunities for exposure to zoonotic disease through direct contact with the animal's saliva and other bodily fluids or through other modes such as airborne-transmission.

Reducing or eliminating these kinds of human-animal interactions is particularly and urgently relevant because ducks and other waterfowl serve as reservoirs for avian

¹ See in particular a series of reports that we issued on live animal markets and zoonotic disease, which can be found at <https://animal.law.harvard.edu/live-animal-markets-project/>

² Farm Forward, "What is Foie Gras?", April 17, 2023, available at <https://www.farmforward.com/news/what-is-foie-gras/>

influenza viruses, including the current H5N1 subtype. As reservoirs, the ducks and other waterfowl can carry the disease while remaining free of obvious symptoms. However, when avian influenza viruses spillover from ducks to other species, including livestock or commercial poultry, the low pathogenic versions of the virus that circulate in these birds can quickly evolve in these other species into a highly-pathogenic avian influenza (HPAI) that causes serious disease and widespread mortality resulting in vast economic loss.

Foie gras production is of particular concern because avian influenza viruses carried by wild ducks can infect captive ducks, then spread further to large-scale traditional livestock facilities. The data highlight these concerns. In the U.S., as of June 13, 2025, the last day that the CDC reported cumulative figures, 174,804,048 cases had been “detected in U.S. wild aquatic birds, commercial poultry and backyard or hobbyist flocks beginning in January 2022.”³ These cases occurred in all fifty states and Puerto Rico and occurred in 1,709 separate “flocks,” of which 788 were commercial and 921 were backyard flocks.⁴ It is important to note the high percentage of commercial flocks infected; these commercial operations, despite their efforts at biosecurity measures, which may be very strict, are unable to keep their flocks HPAI-free.

Further, commercial poultry flocks do not involve the same kind of frequent and close interactions between humans and ducks that take place at foie gras facilities for force-feeding purposes and that make foie gras production an even greater opportunity for spillover from ducks to humans and other species. While USDA data do not separately identify foie gras operations, commercial duck breeders and duck meat farms are frequently affected by HPAI outbreaks. On October 9 and 10, 2025, the Indiana State Board of Animal Health announced that two different commercial meat duck farms in the state tested positive for HPAI. October 10’s announcement concerned a flock of 3,500 in Elkhart County, while October 9’s announcement concerned a flock of 2,600 in LaGrange country.⁵ Comparable trends appear abroad in specifically foie gras production: of the ten most recent HPAI outbreaks in Hungary, seven involved foie gras duck flocks,⁶ and France has documented similar widespread infections in foie gras production facilities.⁷

³ CDC, USDA Reported H5N1 Bird Flu Detections in Poultry, available at <https://archive.cdc.gov/#/details?url=https://www.cdc.gov/bird-flu/situation-summary/data-map-commercial.html>

⁴ USDA, Confirmations of Highly Pathogenic Avian Influenza in Commercial and Backyard Flocks, updated October 10, 2025, available at <https://www.aphis.usda.gov/livestock-poultry-disease/avian/avian-influenza/hpai-detections/commercial-backyard-flocks>

⁵ C.J. Miller, “Commercial Duck Farm in Elkhart County Hit with Bird Flu,” Hoosier Ag Today, October 11, 2025, available at <https://www.hoosieragtoday.com/2025/10/11/bird-flu-elkhart-county/>

⁶ Jackie Linden, “More Hungarian Foie-Gras Farms Hit by Avian Flu,” WattPoultry, April 28, 2025, <https://www.wattagnat.com/poultry-meat/diseases-health/avian-influenza/article/15744160/more-hungarian-foiegras-farms-hit-by-avian-flu>.

⁷ François-Xavier Briand, Eric Niqueux, Audrey Schmitz, Claire Martenot, et al., “Highly Pathogenic Avian Influenza A(H5N8) Virus Spread by Short-and Long-Range Transmission, France, 2016–17,” *Emerging Infectious Diseases* 27, No. 2 (February 2021): 508-516, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7853534/> ⁷ France has implemented vaccination programs for ducks in French foie gras production farms. These programs showed initial success in lower

The risks extend beyond producers. Waterfowl raised for foie gras can transmit avian influenza viruses within farms and to surrounding wildlife, which risks spreading these pathogens to new species and further undermines containment efforts. Intensive confinement, inadequate biosecurity, and the use of contaminated duck waste as fertilizer further amplify transmission risks, enabling cross-species infection through rodents, cats, and other animals.

Further permutations of spread have been documented during the current avian influenza outbreak including from cows to humans, cows to cats, and cows to domesticated chickens and other domesticated birds used for food to humans. Additional species of mammals have been infected, including polar bears and the endangered California condor,⁸ as well as numerous other species: “ferrets, mink, otters, badgers, skunks, opossums, critically endangered Amur leopards and tigers, mountain lions, marten and fisher, European polecats, lynx, bobcats, domestic cats, dogs, red foxes, coyotes, raccoons, raccoon dogs, bears of all kinds, seals of all kinds, domestic pigs, sea lions, various porpoises, bottlenose dolphins, short-beaked common dolphins, white-sided dolphins, Chilean dolphins, and others.”⁹ In the U.S., as of July 23, 2025, the last date for which USDA data has been publicly reported, there have been 1,080 confirmed cases in cattle across 18 states.¹⁰

The costs of losses are often absorbed by taxpayers. USDA “pays for birds and eggs that must be destroyed” due to HPAI.¹¹ As of the end of 2024, the U.S. spent \$ 2.1 billion dollars in indemnification payments made to poultry and dairy producers to compensate them for losses sustained due to H5N1 and prevention measures to reduce the spread of the virus.¹²

As the virus circulates among large numbers of captive animals, the risk that it may spillover to humans goes up. The current H5N1 bird flu has spilled over at least

HPAI transmission rates. Sybille De La Hamaide, “French Foie Gras Makers Toast Rising Output After Bird Flu Gloom,” Reuters, October 19, 2023, <https://www.reuters.com/article/world/french-foie-gras-makers-toast-rising-output-after-bird-flu-gloom-idUSKBN3111S2/>. However, more recently the vaccination programs have shown that they consistently fail in limiting further outbreaks. “France Reports Bird Flu on Two Farms, Losing Disease-Free Status,” Reuters, December 31, 2024, <https://www.reuters.com/business/healthcare-pharmaceuticals/france-reports-bird-flu-two-farms-losing-disease-free-status-2024-12-31/>.

⁸ United Nations, “Avian flu reported in 108 countries across five continents, says UN health agency,” Dec. 17, 2024, available at <https://news.un.org/en/story/2024/12/1158286>

⁹ Ann Linder and Bonnie Nadzam, “A Dangerous Game of Chicken,” Orion, Sept. 5, 2023, available at <https://orionmagazine.org/article/a-dangerous-game-of-chicken/>

¹⁰ USDA, HPAI Confirmed Cases in Livestock, July 23, 2025, available at <https://www.aphis.usda.gov/livestock-poultry-disease/avian/avian-influenza/hpai-detections/hpai-confirmed-cases-livestock>

¹¹ USDA, Indemnity and Compensation, July 30, 2025, available at <https://www.aphis.usda.gov/livestock-poultry-disease/avian/avian-influenza/hpai-poultry/indemnity-compensation#:~:text=Indemnity%20Payments%20for%20Birds%20and,inventory%20and%20standard%20indemnity%20values.>

¹² Amy Maxmen, “How America lost control of the bird flu and raised the risk of another pandemic,” PBS, Dec. 26, 2024, available at <https://www.pbs.org/newshour/health/how-america-lost-control-of-the-bird-flu-and-raised-the-risk-of-another-pandemic#:~:text=The%20USDA%20has%20so%20far,vaccines%20for%20animals%20and%20people.>

70 times in the United States, resulting in one death.¹³ Almost all of those infected with the virus were livestock workers; however, thankfully, the virus has not yet developed the ability to spread person-to-person, at which point it could potentially metastasize into large-scale epidemic or pandemic.

In short, foie gras production poses a clear, ongoing threat to animal welfare, commercial livestock and poultry production, public health, and ecosystem stability. Thank you for your consideration, and for your continued leadership on issues affecting the health and welfare of animals and the public. Please do not hesitate to contact us if you have any questions regarding the information in this letter.

Sincerely,



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¹³ CDC, USDA Reported H5N1 Bird Flu Detections in Poultry, available at <https://archive.cdc.gov/#/details?url=https://www.cdc.gov/bird-flu/situation-summary/data-map-commercial.html>