

A Slaughterhouse Nightmare: Psychological Harm Suffered by Slaughterhouse Employees and the Possibility of Redress through Legal Reform

Jennifer Dillard

“The worst thing,, worse than the physical danger, is the emotional toll. . . . Pigs down on the kill floor have come up and nuzzled me like a puppy. Two minutes later I had to kill them—beat them to death with a pipe. I can’t care.”

—Ed Van Winkle, hog-sticker at Morrell slaughterhouse plant, Sioux City, Iowa

I. INTRODUCTION

What’s the true cost of a hamburger? To the consumer, it’s anywhere from under a dollar to, say, ten bucks in a fancy burger joint. But to the slaughterhouse workers, as many Americans are aware,¹ the cost of your hamburger includes the financial and physical hardships of the slaughterhouse work itself.

However, less publicly discussed or understood is the psychological trauma inflicted on slaughterhouses workers.² Not only do the employees face serious physical health hazards daily, but they also experience, on a daily basis, large-scale violence and death that most of the American population will never have to encounter.³ This article will discuss the psychological harm caused by slaughterhouse work and will propose several methods, including OSHA reforms, workers’ compensation, and expansion of tort doctrine, by which the legal regime can prevent the harm from occurring and can compensate the employees for their psychological injuries.

II. THE REALITIES OF SLAUGHTERHOUSE WORK

A. Financial and physical hardships for workers

The animal-industrial complex, a gigantic maze of factory farms, slaughterhouses, and packaging plants, is a heavily integrated industry in the

¹ For example, the film *Fast Food Nation* graphically demonstrated the physical and financial strain that slaughterhouse work places on its workers. This film grossed over a million dollars at the U.S. box office. INTERNET MOVIE DATABASE, “Fast Food Nation,” <http://www.imdb.com/title/tt0460792/>.

² This paper will use the terms “slaughterhouse worker” and “meatpacking worker” interchangeably.

³ The fast pace of slaughterhouse work is psychologically taxing, even before accounting for the violent nature of the work. See Bengt Gustafsson, *The Health and Safety of Workers in a Confined Animal System*, 49 LIVESTOCK PRODUCTION SCIENCE 191, 194 (1997) (“In present-day livestock farming with large herds, many animals per man, high working speed, and great economic values at stake, the mental load can be heavy and result in great stress, especially for people working alone. Frequent stress situations increase the risk of accidents, injuries and in the long run mental ill-health. The safest work is performed if the herdsman does not have too many animals to handle, if he is relaxed and work slowly and quietly and is consistent in his behaviour. The problem of accident prevention is complex and requires a cooperation of the engineers planning farm buildings, the occupational safety and health service, educators, and the farmers and farm workers themselves.”).

United States that kills and processes over 9 billion animals per year.⁴ This industry's production has grown in recent years, while the companies have consolidated. Between 1982 and 1997, the number of hogs raised in the U.S. quintupled, while the number of hog farms plummeted from over 11,000 to approximately 3,000.⁵ As of 2004, four companies controlled 81% of the beef market, 59% of the pork market, and 50% of the poultry production.⁶ "Corporate giants such as Tyson and Purdue now control all stages of chicken production, from breeding chickens, hatching chicks, and growing the chickens, to processing and shipping finished cuts of poultry to the supermarket."⁷ While the massive producers have achieved dominance in the meat industry, the slaughterhouse workers have not reaped the benefits of the industry's success.

Despite the growth of meat production, slaughterhouse workers' wages have been rapidly falling. While slaughterhouse wages have historically been above the average manufacturing wage, the slaughterhouse wage fell below the manufacturing average in 1983 and was a whopping 24 percent lower than the average manufacturing wage by 2002.⁸ In May 2006, the average slaughterhouse worker made only \$10.43 per hour (\$21,690 per year).⁹

This huge industry employs thousands of low-wage workers, many of whom—particularly in the slaughterhouses—face serious physical dangers. The huge demand for meat has encouraged slaughterhouses to increase the pace of the slaughter.¹⁰ "The pace is dizzying. Workers now make thousands of 'cuts' a day on the kill floor on lines that process up to

⁴ COMPASSION OVER KILLING, *U.S. Statistics for 'Food Animals' Slaughtered in 2003*, available at <http://www.cok.net/lit/statistics2003.php> (9.1 billion animals killed in 2003 for food, not including aquatic animals or animals who died in transit or before slaughter, which would increase the total number killed by 100 million).

⁵ Polly Walker & Robert S. Lawrence, *Book Review: American Meat: A Threat to Your Health and to the Environment*, 4 YALE J. HEALTH POLICY L. & ETHICS 173, 175 (2004).

⁶ *Id.*

⁷ *Id.*

⁸ HUMAN RIGHTS WATCH, *Blood, Sweat, and Fear: Workers' Rights in U.S. Meat and Poultry Plants*, Jan. 2005, available at http://www.hrw.org/reports/2005/usa0105/2.htm#_ftnref20.

⁹ BUREAU OF LABOR STATISTICS, *Occupational Employment and Wages*, May 2006, available at <http://stats.bls.gov/oes/current/oes513023.htm>.

¹⁰ See, e.g., Michael Riley, *Woes at Swift Blamed on Pace: Speed Valued Above All Else, Workers Say*, DENVER POST, Nov. 26, 2002, A-1 ("When Raul Jimenez comes off an eight-hour shift at Swift & Co.'s Greeley slaughterhouse, he often can barely move, exhausted from working on a line that turns live animals into processed meat as fast as six times a minute. . . . [S]everal workers said that even with the plant's recent [feces contamination] problems, supervisors apply constant pressure to keep the line moving. Workers described a world in which they are driven, sometimes insulted and humiliated, to keep the plant's production up. 'From the time you enter, you're told that if the plant stops 10 minutes, the company will lose I don't know how many millions of dollars,' said Maria Lilia Almaraz, who earns \$10.60 an hour cutting bones from cuts of meat with a razor-sharp blade. 'It's always "faster, faster.'" . . . Slaughterhouse work . . . may be among the toughest in America. Federal accident statistics show that a meatpacking plant is 3 times more dangerous than the average construction site.").

300 cattle per hour. Some cutters are forced to make five cuts every fifteen seconds.”¹¹ This high speed has led to an increase in the meatpacking industry’s already-high level of injuries; approximately 25% of meatpacking employees are struck ill or injured every year.¹² For example, Iowa records a yearly average of 9.8 injuries or illnesses per hundred full-time employees. The figure jumps to 16 per hundred full-time manufacturing employees, but a whopping 51 meatpacking employees per hundred suffer illness or injury every year.¹³

Common meatpacking injuries range from musculoskeletal injuries, such as tendonitis, carpal tunnel syndrome, and white finger, caused by rapid repetitive motions,¹⁴ to life-threatening injuries, often caused by the deadly combination of long hours, tiring work, and sharp knives designed to easily slice through bone.¹⁵ Despite the seriousness of the common physical injuries

¹¹ Bill Winders & David Nibert. *Consuming the Surplus: Expanding ‘Meat’ Consumption and Animal Oppression*, 24 INT’L J. OF SOC. AND SOC. POL’Y. 76, 89 (2004) (quoting Jeremy Rifkin).

¹² *Id.*; see also Michael S. Worrall, *Meatpacking Safety: Is OSHA Enforcement Adequate?*, 9 DRAKE J. AGRIC. L. 299, 307 (2004). “[T]he meatpacking industry has long had one of the highest injury rates of all U.S. industries.” Winders & Nibert, *supra* note 6, at 89.

Agricultural work is also dangerous in other nations. See, e.g., David J. Glasscock et al., *Psychosocial Factors and Safety Behaviour as Predictors of Accidental Work Injuries in Farming*, 20 WORK & STRESS 173, 173 (2006) (“Farming is one of the most hazardous occupations in terms of the incidence and seriousness of accidental injury. . . . In Denmark, national statistics clearly indicate the hazardous nature of farming. Agriculture heads the list of occupations with the highest incidence of fatal accidents with 14.3 per 100,000 workers, twice the incidence found for the construction industry, which is second on the list.”).

¹³ Worrall, *supra* note 7, at 307.

¹⁴ *Id.* “Meatpacking workers often engage in repetitive motions, such as cutting with their knives every two to three seconds or approximately ten thousand cuts during an eight-hour shift. One description of work in a poultry processing plant finds: ‘human hands . . . must make the same knife or scissors cut to slit open carcasses from anus to breast or the same twist of the hand to yank out viscera at a grueling pace, set by a relentless conveyor belt and reinforced by circulating foremen, while workers are standing in pools of water and grease in temperatures that range from freezing to ninety-five degrees and being pelted by flying fat globules or dripping blood.’” *Id.* at 306.

¹⁵ “[I]n a few severe cases . . . speedup may have led to death. In Nebraska, an immigrant worker at a meatpacking plant died two years ago after slicing open his chest with a boning knife near the end of his shift. The United Food and Commercial Workers International Union, which represented the worker, said excessive workload contributed to the death.” Nancy Cleeland, *Need for Speed Has Workers Seething*, L.A. TIMES. June 19, 2002, at A1. See also David Hendee, *Authorities seek IBP meeting: The Dakota County attorney isn’t pleased with how the meat-packer handled the death of a plant worker*, OMAHA WORLD HERALD, Nov. 2, 1999, at 9 (Manuel Ramos Topete, a fifty-six-year-old employee died from knife wound to the heart at an IBP beef plant; “[I]t appears that Topete may have slipped and fallen on his knife while working on the carcass line. The incident occurred about 10:35 p.m. Topete was taken to Mercy Hospital in Sioux City by a private ambulance service under contract with IBP. He arrived at 11:10 p.m. and was pronounced dead 32 minutes later. IBP managers did not contact local law enforcement agencies, and they did not telephone 911 for emergency medical service.”).

and illnesses suffered by meatpacking employees, these safety issues continue to be ignored by decision-makers and society at large.¹⁶

B. The misery of the animals

The inside of a typical slaughterhouse is a place of blood, pain, and death. The animals who enter the slaughterhouse have typically had miserable lives, born and raised indoors, without access to sunlight or fresh air, and they often suffer injuries during their journey to the slaughterhouse.¹⁷ Once in the slaughterhouse, the frantic pace of production discourages workers from taking the care necessary to ensure that the animals do not suffer gruesome deaths.¹⁸

Legislative attempts to regulate the amount of pain suffered by animals during their slaughter have gone largely unenforced.¹⁹ The Humane Slaughter Act, passed in 1960, imposes light restrictions on the treatment of farmed animals, and the animal industries are adept at avoiding even these minor inconveniences.²⁰ The industry has also been successful in tanking

¹⁶ John J. McGlone, *Farm Animal Welfare in the Context of Other Society Issues: Toward Sustainable Systems*, 72 LIVESTOCK PRODUCTION SCIENCE 75, 79 (2001) (“Worker health and safety is the least discussed society issue at this time . . .”).

¹⁷ See, e.g., Winders & Nibert, *supra* note 6, at 85 (“Those chickens that survive the horrors of the battery cage will experience gruesome deaths in slaughterhouses when their productivity as egg-laying machines declines. The rough handling they experience, from battery cages to the ‘disassembly line,’ results in broken bones in 30 to 40 percent of those who make the trip.”).

¹⁸ Donna Mo, *Comment: Unhappy Cows and Unfair Competition: Using Unfair Competition Laws to Fight Farm Animal Abuse*, 52 UCLA L. Rev. 1313, 1318 (2005) (“The cruelty inflicted on farm animals has increased over the last several years. As Americans increase their consumption of meat and kill rates rise, the ‘performance [of slaughterhouse workers] doesn’t simply decline—it crashes.’ Because of the rise in standard kill rates, workers are pressured to kill more quickly and therefore become sloppy. Such sloppiness results in ‘incidents in which live animals [are] cut, skinned or scalded.’”).

¹⁹ “[T]he USDA is supposed to enforce the federal Humane Methods of Slaughter Act. Enforcement, however, is practically nonexistent, because agricultural departments and the meat industry are ‘closely allied.’ For instance, USDA veterinarians and their supervisors ‘want to . . . go easy on the [slaughterhouses] because they know that after they leave the USDA they can get . . . high-paying jobs as . . . industry consultants.’ The USDA demonstrated its loyalty to the meat industry when it opposed the Humane Slaughter Act. Enforcement of humane slaughter statutes is so weak that workers are often unaware that such laws even exist or that agricultural departments have authority to enforce humane treatment of farm animals. Clearly, public ‘enforcement’ of existing humane slaughter statutes is not enough.” *Id.* at 1318-19.

²⁰ See Robyn Mallon, *The Deplorable Standard of Living Faced by Farmed Animals in America’s Meat Industry and How to Improve Conditions by Eliminating the Corporate Farm*, 9 MICH. ST. J. MED. & L. 389, 401 (2005) (“One of the [worst] crimes committed by CAFOs is their blatant disregard of animal welfare. Their flippant attitude toward the suffering of animals imprisoned in their industrialized assembly line is astonishing, and slaughterhouses frequently violate standing laws such as the Humane Slaughter Act. The law is violated due to the traditional corporate attitude of wanting to maximize profit and minimize expenses. Profit is maximized by increasing output and therefore line speeds are so high that workers do not have time to properly stun an animal before it is eviscerated as the HSA

additional federal legislation that would have placed new regulations on the slaughterhouses' treatment of animals, thus allowing more animal suffering to continue.²¹ In addition, state anti-cruelty statutes tend to focus specifically on individualized cruel conduct against animals, exempting the animal industry from the restrictions.²²

Thus, the under-regulation of the animal industry provides a green light for legalized (or ignored) animal cruelty. While the average American will never see the inside of a slaughterhouse and may be able to eat a hamburger without confronting the pain and terror of a beef cow's final moments, thousands of slaughterhouse workers across the country face that troubling predicament every day, creating an employment situation ripe for psychological problems.

III. THE PSYCHOLOGICAL IMPLICATIONS OF SLAUGHTERHOUSE WORK

A. Psychological trauma inflicted on employees

The animals killed in American slaughterhouses do not experience a painless death, and the slaughterhouse workers watch—and are implicated in—the gruesome deaths of thousands of animals every week. “The ghastly treatment of other animals in slaughterhouses in the United States ranges from brutal prodding and handling to the skinning and boiling of fully conscious individuals.”²³ Such violations of the Humane Slaughter Act, as noted above, are common, and, in particular, chickens are not covered by even the meager restrictions of the HSA. Poultry slaughterhouses thus are home to horrific tales of cruelty. “In many cases, chickens are ‘conscious[] and breathing not only as they move toward the knife but, afterward, upon

mandates. Also, the USDA, who is in charge of enforcing the HSA, spends little time enforcing the Act and if it attempts to, its workers are chastised by the CAFO owner.”). *See also* Winders & Nibert, *supra* note 6, at 88 (“Humane treatment—an oxymoron when individuals are sent to be killed—is at a minimum in day-to-day slaughterhouse operations. Although the United States passed a Humane Slaughter Act in 1960, the regulations are minimal, and the only enforcement mechanism attached was the ability of inspectors to stop the infamous ‘disassembly line’ until a problem is corrected. Inspectors who attempt to use even this feeble enforcement tool frequently are harassed by slaughterhouse managers and negatively sanctioned by the superiors at the U.S. Department of Agriculture.”).

²¹ *See, e.g.,* Nicole Fox, *Note and Comment: The Inadequate Protection of Animals Against Cruel Animal Husbandry Practices under United States Law*, 17 WHITTIER L. REV. 145, 180 (1995) (“The Downed Animal Protection Act of 1993 was designed to amend the Packers and Stockyards Act of 1921. . . . The Downed Animal Act was designed to prevent the suffering of animals who have broken bones or are ill. Often these animals fall during transport or while walking into the stockyard. These animals are trampled over by other animals or are prodded or dragged by stock-yard employees.”).

²² *See, e.g.,* Amy Mosel, *Comment: What About Wilbur? Proposing a Federal Statute to Provide Minimum Humane Living Conditions for Farm Animals Raised for Food Production*, 27 DAYTON L. REV. 133, 180 (2001) (“State [animal welfare] statutes are generally aimed at prohibiting intentional conduct against animals such as torture, beating and mutilation.”).

²³ Winders & Nibert, *supra* note 6, at 88.

entering the scald tank,” where they are boiled alive.²⁴ A People for the Ethical Treatment of Animals representative discussed this problem of cruelty to chickens at a Tyson Foods annual shareholder meeting:

Federal laws regarding the humane slaughter of animals excludes chickens entirely so abuses that would be illegal if cows or pigs were the victims are the norm. They happen to every single chicken slaughtered at Tyson. Now because consumers consider animal welfare when they decide which products to buy any abuse that happens in our plant can seriously damage our company such as the abuse that was uncovered in Tyson’s Heflin, Alabama plant earlier this year. There an undercover investigator found birds entirely mutilated by throat-cutting machines that didn’t work properly. One bird had her skin torn entirely off her chest. Now workers were instructed to rip the heads off of birds who had missed the throat-cutting machines and our investigator was told not to stop the line for missed birds. Plant employees were seen throwing dying birds around just for fun. Now, PETA’s investigator also witnessed numerous birds that were scalded alive in the feather removal tank while they were still conscious and able to feel pain. Now, plant managers told him that that was an acceptable practice for 40 animals per shift, to be scalded alive that is, and no one was reprimanded for more than 40 birds when they suffered this fate during any one given shift.²⁵

This account invites a connection between the cruel nature of the slaughterhouse industry and the cruel actions of the slaughterhouse workers—having been instructed by their supervisors to rip off birds’ heads, the workers feel no remorse in tossing around dying birds “just for fun.”

In this country, we have a common understanding that taking pleasure in the cruel death of a helpless animal is an antisocial and potentially psychotic characteristic.²⁶ The countless stories of slaughterhouse employees inflicting pain on animals “just for fun” indicate that the nature of the slaughterhouse work may have caused psychological damage to the employees, because the employees’ actions certainly rise to

²⁴ Fox, *supra* note 18, at 153.

²⁵ *Tyson Foods Annual Shareholder Meeting - Final*, Fair Disclosure Wire, Feb. 3, 2006.

²⁶ During the national outrage when a Kansas sixth-grader stabbed a mother duck and her two ducklings to death in 2007, many professionals indicated that the child would require substantial mental health testing and counseling. *See, e.g., Wichita Sixth-Grader Admits to Stabbing Ducks with Pencil*, Associated Press, May 4, 2007, available at <http://www.redding.com/news/2007/may/04/wichita-sixth-grader-admits-stabbing-ducks-pencil> (quoting school district mental health crisis team coordinator, “We know that animal cruelty is a very serious, significant behavior. We will be following up with the parents to be very clear that they seek outside mental health care for this child.”).

the level of abnormal cruelty that would cause concern among the general population.²⁷

By studying the nature of psychological trauma, analyzing specific psychological mechanisms that would contribute to slaughterhouse workers' trauma, and reviewing anecdotal evidence of slaughterhouse trauma, the remainder of this section will demonstrate that slaughterhouse workers likely suffer serious psychological trauma in their workplace.

B. Two frameworks for the nature of the psychological trauma

1. *Perpetration-Induced Traumatic Stress*

One extensive study suggests the form of psychological damage suffered by slaughterhouse workers. In *Perpetration-Induced Traumatic Stress: The Psychological Consequences of Killing*, Rachel M. MacNair describes Perpetration-Induced Traumatic Stress ("PITS") as a form of post-traumatic stress disorder that results "from situations that would be traumatic if someone were a victim, but situations for which the person in question was a causal participant," i.e., where the person suffering from PTSD has those symptoms because he was involved in creating the traumatic situation.²⁸ MacNair describes the symptoms as including drug and alcohol abuse, anxiety, panic, depression, increased paranoia, a sense of disintegration, dissociation or amnesia, which are incorporated into the "psychological consequences" of the act of killing.²⁹

MacNair's study focuses mainly on the trauma experienced by, for example, combat veterans, executioners, and Nazis. However, MacNair cites slaughterhouse workers as another sector of the population that may be susceptible to PITS and whose situation deserves a close study of the prevalence of PITS among the workers.³⁰

The anecdotal literature on slaughterhouse workers offers ample evidence of PITS symptoms. For example, recurring dreams regarding the violent act are a symptom of PITS.³¹ Virgil Butler recalled having nightmares of chickens and reported a fellow worker being "hauled off to the mental hospital" for severe recurring dreams.³² The substance abuse that is symptomatic of PITS is also prevalent among slaughterhouse workers. This adverse psychological impact is also evidenced by the increased usage of alcohol and drugs among slaughterhouse workers. One former hog-sticker (an employee who stabs the hogs to cause them to bleed to death) stated that "[a] lot of [the slaughterhouse hog killers] have problems with alcohol. They have to drink, they have no other way of dealing with killing live, kicking

²⁷ See *infra* fns. 25-28 and accompanying text. See also generally GAIL EISNITZ, *SLAUGHTERHOUSE* (Prometheus Books 2007) (1997).

²⁸ RACHEL M. MACNAIR, *PERPETRATION-INDUCED TRAUMATIC STRESS: THE PSYCHOLOGICAL CONSEQUENCES OF KILLING* 7 (Greenwood Publishing 2002).

²⁹ *Id.* MacNair suggests that this disorder indicates that "the human mind, contrary to certain political ideologies, is not well suited for killing." *Id.* at 170.

³⁰ *Id.* at 88.

³¹ *Id.*

³² The Cyberactivist, *Inside the Mind of a Killer*, <http://cyberactivist.blogspot.com/2003/08/inside-mind-of-killer.html> (Aug. 31, 2003).

animals all day long. If you stop and think about it, you're killing several thousand beings a day."³³

2. *Doubling*

One form of the PITS phenomenon is discussed in *The Nazi Doctors*, which explains the psychological phenomenon of “doubling” that occurred among the Nazi doctors in concentration camps. “Doubling” is “the division of the self into two functioning wholes, so that a part-self acts as an entire self. An Auschwitz doctor could, through doubling, not only kill and contribute to killing but organize silently, on behalf of that evil project, an entire self-structure (or self-process) encompassing virtually all aspects of his behavior.”³⁴ In other words, as the doctor violated his natural morals to carry out his functions in the concentration camps, the doctor developed two “selves”—a new self, performing the evil acts and implicated in the crime, and another self, the doctor’s prior self, which he saw as the same husband, father, son, that he had been before the concentration camp began.³⁵

While slaughterhouse work is not the same as that of a Nazi doctor, the dissociation from a morally dubious employment creates similar effects. A former hog slaughterhouse worker stated,

The worst thing, worse than the physical danger, is the emotional toll. If you work in the stick pit [where the hogs are killed] for any period of time, you develop an attitude that lets you kill things but doesn't let you care. You may look a hog in the eye that's walking around down in the blood pit with you and think, God, that really isn't a bad-looking animal. You may want to pet it. Pigs down on the kill floor have come up and nuzzled me like a puppy. Two minutes later I had to kill them—beat them to death with a pipe. I can't care.³⁶

This ex-slaughterhouse worker describes the “doubling” psychological mechanism identified by Lifton among the Nazi doctors. The worker’s natural self identifies with the pig and recognizes it as an animal worthy of affection and care, but the worker’s other self—the self developed to work in the slaughterhouse—kills the pig, literally unable to care about the animal. Just as the “doubling” phenomenon indicated the serious psychological toll taken on the Nazi doctors, the same phenomenon evidences the psychological effect inflicted on the slaughterhouse workers.

C. **Specific psychological mechanisms creating trauma**

The scientific literature contains few academic studies of the psychological damage inflicted on slaughterhouse employees. However, a survey of some relevant publications indicates that slaughterhouse work is very likely to have a serious, negative psychological impact on the employees.

³³ EISNITZ, *supra* note 26, at 87-88.

³⁴ ROBERT JAY LIFTON, *THE NAZI DOCTORS* 418 (Basic Books 2000) (1986).

³⁵ *Id.* at 418-19.

³⁶ EISNITZ, *supra* note 24, at 87.

One study indicated that “farm animals are not considered by farmers purely as working tools, even by stockpersons engaged in a power-based relationship with animals. The positive or negative affective involvement of farmers in their animals has a great influence on the care relationship toward them, and consequently on animal welfare.”³⁷ In other words, farmers face a disconnect between their natural identification with animals as living beings and their treatment of animals as a means to an end. In addition, the worker’s emotional response to the animal affects the care with which the worker treats the animal; if the worker develops a disdain for the animals in response to that disconnect, he is more likely to treat them cruelly.

The study also found that the characteristic of empathy was difficult to link with the character of a “good stockperson” because the typical animal production industry will “lead [a person who empathizes with the animals] to act at work quite differently from the way they would like to act. Ultimately, the mental health of the person may be affected.”³⁸ Thus, people who naturally empathize with the animals are likely to have a difficult time with animal industry work, since the nature of the work requires the worker to treat the animal not as a living being with individual worth, but as another widget, a means to an end.

The intensive, production-focused nature of factory farming has led workers to suppress their “spontaneous empathy” for the animals, and this study suggests that male workers are affected more strongly by this phenomenon of empathy suppression.³⁹ “Because compassion is not an attitude compatible with the requirements of economic competition and maleness, men may have suffered more than women in this repression of affect and learned to hide their feelings.”⁴⁰ This concern is particularly important for the U.S. animal industry, since a vast majority of U.S. slaughterhouse workers are male.⁴¹

Another study noted that farmers (people who work in the animal agricultural industry) have low empathy and identification with the animals “that have instrumental significance for them.”⁴² The farmers’ empathy and identification with these animals is significantly lower than the empathy and identification expressed by the general population. Thus, the animal industry employment tends to lower the employees’ ability to empathize and identify with the pain suffered by the animals whose lives (and deaths) they are controlling.

This lowered ability to empathize with weaker creatures may cause the slaughterhouse workers to be more likely to commit violent crimes,

³⁷ Jocelyne Porcher et al., *Affective Components of the Human-Animal Relationship in Animal Husbandry: Development and Validation of a Questionnaire*, 95 PSYCHOL. REP. 275, 286 (2004).

³⁸ *Id.*

³⁹ *Id.* at 287.

⁴⁰ *Id.*

⁴¹ In 2003, only 26.6% of meat, poultry, and fish processing workers in the US were female. See Amy J. Fitzgerald, *Spill-Over from ‘The Jungle’ into the Larger Community: Slaughterhouses and Increased Crime Rates* (2006) (unpublished Ph.D. dissertation, Michigan State University) (on file with author) 203.

⁴² Adelma M. Hills, *The Motivational Bases of Attitudes Towards Animals*, 1 SOCIETY AND ANIMALS 111, 120 (1997).

particularly against women and children. The connection between traditional animal abuse and domestic abuse has long been documented, but the link between institutionalized animal abuse and other violent tendencies has not received as much academic attention.⁴³ However, in her recent sociology dissertation, Amy J. Fitzgerald found that counties with slaughterhouses have higher arrest levels for sex offenses and more frequent reports of murder, rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft, and arson.⁴⁴ This study also found that, compared with other industries, the slaughterhouse industry has a more significant effect on community crime rates.⁴⁵ The study concludes that the slaughterhouse industry's effect on its employees and the communities are dissimilar and more deleterious than the effects of other "manufacturing" industries, indicating that the differences are likely to be located in the particularized psychological effect of the slaughterhouse work on the employees.⁴⁶

Some courts have found the prior slaughterhouse employment of defendants to be relevant information in criminal trials. In the two most recent cases, the murders at issue were performed in a manner similar to the way in which an animal at the defendant's former place of employment would be slaughtered, making the information particularly relevant.⁴⁷

⁴³ See, e.g., Frank R. Ascione, et al, *Animal Welfare and Domestic Violence* (1997), available at http://www.vachss.com/guest_dispatches/ascione_2.html (finding that 54% of battered women in shelters reported harm to pets by an abusive domestic partner, compared with 3.5% of women in the general population).

⁴⁴ Fitzgerald, *supra* note 32, at 186.

⁴⁵ *Id.* at 187. Anecdotal evidence of increased crime among slaughterhouse workers is ample. See EISNITZ, *supra* note 24, at 87 ("Every sticker [i.e., hog killer] I know carries a gun, and every one of them would shoot you. Most stickers I know have been arrested for assault.").

⁴⁶ Fitzgerald, *supra* note 32, at 206.

⁴⁷ See *Hannon v. State*, 941 So.2d 1109, 1142-43 (Fla. 2006) ("First, Hannon asserts that the following 'slaughterhouse' arguments made by the State during the guilt phase closing argument were not supported by any factual basis: 'If I had to think of a name for this case, something to summarize what this case is all about, the name I would choose would be "The Slaughterhouse. The Slaughterhouse." Because on January 10, 1991, a man sitting in this very courtroom, turned the home of Brandon Snider and Robbie Carter into a slaughterhouse. . . . Hannon worked at a slaughterhouse. Hannon had access to knives. He had access to knives. He used knives in the past to kill. He testified on the stand that he killed before, killed animals before.' However, the record demonstrates that the State's 'slaughterhouse' arguments were supported by the evidence. Specifically, John Ring testified at trial that Hannon stated the following: '[Hannon] said that the cops were trying to pin a murder on him, that they had—they wanted to pin him because he had worked in a slaughterhouse and he was cutting throats for a living, because that made him a violent person, that they were trying to pin that on him and that he had shot this guy six times.' Moreover, at trial Hannon testified that he worked in a slaughterhouse in Okeechobee slaughtering cows, and in Brooksville slaughtering pigs and hogs. Hannon described that he would shock the animals, make an incision in them, and hang them upside down to bleed them. Hannon testified in detail with regard to what occurred on certain days at the slaughterhouse, including that Mondays and Wednesdays were slaughter days when they killed the hogs. Hannon described the different functions related to cutting, specifically that if you were right-handed you would have the knife in your right hand and grab the meat with your left hand. Hannon also testified that he had taken a pork loin to Robbie Carter's house, boned it

However, based on the use of the information in the trial, it is clear that the slaughterhouse occupation of the defendants was seen as an occupation that enhanced a person's tendency to commit—or at least to be comfortable with—violent acts.⁴⁸

Furthermore, the slaughterhouse work violates the natural tendency of a person to avoid the direct killing of an animal. One study found that 85% of the meat-eating participants stated that they could not kill an animal to obtain meat.⁴⁹ This overwhelmingly common aversion to killing suggests that the slaughterhouse employment causes a majority of the employees to violate their natural preference against killing. By habitually violating one's natural preference against killing, the worker very likely is adversely psychologically impacted.

D. Anecdotal evidence of psychological impact of slaughterhouse work

One fascinating instance of a slaughterhouse worker who explicitly connected the violent nature of the work with the resulting psychological

out, and cut some pork chops. Hannon further testified that during the time January 14 through 16, he had attempted to secure work with Richardson at the slaughterhouse but could not because business was slow. Based upon our review of the record, we determine that there was testimony regarding Hannon's work in the slaughterhouse to support the State's analogy. Accordingly, the trial court's rejection of this claim was proper.”); *see also* *People v. Griffin*, 93 P.3d 344, 373-74 (Cal. 2004) (allowing admission of defendant's work at a slaughterhouse; “Prior to the penalty phase retrial, the People notified defendant that they intended to introduce evidence, not offered at the initial trial, of defendant's employment at the Palace Meat Company, a slaughterhouse, to establish the circumstances of the murder and specifically to prove that defendant slaughtered Kelly like an animal would be slaughtered. . . . As pertinent here, Dr. Nelson testified to the effect that the person who murdered Kelly rendered her unconscious by strangulation, stabbed her neck with a very sharp knife and then slashed her throat severing the carotid artery and causing exsanguination, and finally after death slashed the body in four strokes from the chest through the belly and the pubic area toward the buttocks, opening the body cavity. After hearing the testimony of Dr. Nelson, the trial court ruled evidence of defendant's employment at the Palace Meat Company admissible, determining expressly that it was not unduly prejudicial and impliedly that it was relevant. In accordance with the trial court's ruling, the People, in their case in aggravation, called Kennedy as a witness. In pertinent part, Kennedy testified he was the owner of the Palace Meat Company. In the mid-1970's, Palace slaughtered sheep on an open kill-floor by rendering each animal unconscious with an electrical stun, stabbing its neck with a knife and then slashing its throat in order to sever the jugular vein and cause exsanguination, and finally after death slashing the body from the area of the hips where the legs join through the belly and the brisket toward the neck, opening the body cavity. In the mid-1970's, Palace employed defendant as a general helper, doing cleanup and similar chores. Although defendant did not himself slaughter sheep, he had the opportunity to observe the process.”)

⁴⁸ *See id.*

⁴⁹ Melanie Joy, *Psychic Numbing and Meat Consumption: The Psychology of Carnism* (Dec. 2002) (unpublished Ph.D. dissertation, Saybrook Graduate School) (on file with author) 137. Stated one participant, in language reminiscent of Virgil Butler's commentary, “I don't have to look at the cow's eyes while they're strangling it or whatever they do to a cow—shoot it? I can eat it, but I don't see myself actually killing anything.” *Id.*

damage was the late Virgil Butler, a Tyson slaughterhouse worker who became an animal rights activist. After Butler described slaughterhouse abuses at a PETA news conference, Butler's story was featured on several animal rights and animal welfare websites, eliciting hundreds of emails

thanking him for, as one writer put it, 'being a voice for the animals.' Amazed, emboldened, Butler began to think of himself as more than an assembly-line killer. He gave up fried ham and his pork rinds in favor of a vegan diet. When memories of the kill floor crowded his thoughts, he talked through them, instead of pushing them aside. For the first time, he told [his fiancée] what he had done those nine years at the slaughterhouse. And how it felt. He spent months haltingly unrolling his memories. Then, in August, inspired by soldiers' blogs from Iraq, he launched the online diary.⁵⁰

On his blog, www.cyberactivist.blogspot.com, Butler described the brutality and mental anguish of the slaughterhouse work.⁵¹ Butler writes of a night working on the kill line: "[T]he chickens are panicking. Many of them are squawking loudly, some are just sitting there trembling. Sometimes you catch one looking up at you, eye to eye, and you know it's terrified. . . . No one can convince me that that chicken did not know what was about to happen."⁵² In this post and other writings on his blog, Butler provided a detailed and insightful account of the psychological effects of slaughterhouse work on its employees.

This incident-based recognition that the brutality experienced by the animals in slaughterhouses has a psychological impact on the slaughterhouse workers has been echoed in other studies of slaughterhouse employment. In her 1997 book *Slaughterhouse*, Gail Eisnitz interviewed dozens of slaughterhouse workers regarding their time in the workplace. One worker at Morrell, a hog slaughterhouse, described his experiences:

⁵⁰ Stephanie Simon, *A Killing Floor Chronicle: A Down-and-Out Former Poultry Worker's Online Memoirs of His Gruesome Job Have Electrified Animal-Rights Activists Worldwide*, L.A. TIMES, Dec. 8, 2003, at A-1.

⁵¹ For example, Butler described the workers' "practical joke" of tying a chicken's legs in a knot. "I have picked up these birds before and untied their legs. The bones inside their legs felt like a sack of broken glass. They would usually be bleeding in several places where the bones would break through the skin. I can't explain to you how it made me feel to see something like that." *The Cyberactivist, Tyson Torture Tactics - Knots of Fun*, <http://cyberactivist.blogspot.com/2003/09/tyson-torture-tactics-knots-of-fun.html> (Sept. 25, 2003). Butler also described the workers' methods of "culling the runts," which was officially done by throwing the too-small, still-living chickens into dumpsters, but which was also accomplished by throwing the chicken through the exhaust fan ("The exhaust fan would pulverize it and sling it back as a mush into the person's face who was standing directly below it."); by throwing the chicken against the wall as hard as possible; and by pulling off the chicken's head ("they just wanted to watch it flop [around on the ground] and sling blood everywhere."). *The Cyberactivist, Tyson Torture Tactics - Culling the Runts*, <http://cyberactivist.blogspot.com/2003/09/tyson-torture-tactics-culling-runts.html> (Sept. 27, 2003).

⁵² *The Cyberactivist, A Night in Tyson's Hell*, http://www.cyberactivist.blogspot.com/2003_09_01_archive.html (Sept. 23, 2003).

Another time, there was a live hog in the pit. It hadn't done anything wrong, wasn't even running around the pit. It was just alive. I took a three-foot chunk of pipe—two-inch diameter pipe—and I literally beat that hog to death. Couldn't have been a two-inch piece of solid bone left in its head. . . . It was like I started hitting the hog and I couldn't stop. And when I finally did stop, I'd expended all this energy and frustration, and I'm thinking, what in God's sweet name did I do? . . . People go into Morrell expecting respect and good working conditions. They come out with carpal tunnel, tendonitis, alcoholism, you name it, because they're under incredible pressure and they're expected to perform under intolerable conditions. Or they develop a sadistic sense of reality.⁵³

While the connection between the anecdotal evidence of trauma and the psychological analyses of related forms of trauma seems clear, studies should be undertaken to analyze directly the relationship between psychological trauma and slaughterhouse work. However, given the horrific nature of the slaughterhouse work and its inevitable psychological impact on workers, the legal community should undertake the task of creating a system that compensates the employees for their psychological harm and that prevents the harm from occurring. That system is the subject of the next section.

IV. POSSIBILITIES FOR LEGAL REDRESS AND PREVENTION OF PSYCHOLOGICAL TRAUMA

A. OSHA regulations and oversight

The Occupational Safety and Health Administration (OSHA) is charged with the responsibility of protecting American workers from workplace hazards. While OSHA has not yet systematically addressed the problem of psychological problems in the workplace, OSHA's legislative mandate would permit them to tackle this issue through new regulations.⁵⁴ Some scholars have suggested that the lack of psychological regulation is due to the agency's prioritizing of more traditional, physical health issues and the "perceived exigency" of those problems.⁵⁵

OSHA's current deterrence system consists mainly of conducting inspections of workplaces for safety violations and imposing fines on

⁵³ EISNITZ, *supra* note 24, at 93-94.

⁵⁴ 29 U.S.C. § 651 (stating Congress' intent that OSHA "provid[e] for research in the field of occupational safety and health, including the psychological factors involved"). *See also* 29 U.S.C. § 669(a)(1) ("The Secretary of Health, Education, and Welfare . . . shall conduct (directory or by grants or contracts) research, experiments, and demonstrations relating to occupational safety and health, including studies of psychological factors involved, and relating to innovative methods, techniques, and approaches for dealing with occupational safety and health problems.").

⁵⁵ *See, e.g.,* Robert A. Bohrer, *Fear and Trembling in the Twentieth Century: Technological Risk, Uncertainty, and Emotional Distress*, 1984 WIS. L. REV. 83, 120 n.168.

employers that violate OSHA safety regulations. OSHA should develop a system of regulations for psychological safety in the slaughterhouse workplace, conduct inspections for psychological safety violations, and impose fines for violating those regulations. Just as OSHA inspectors can pinpoint workplaces that are hazardous to an employee's physical safety, OSHA inspectors could use their inspections to pinpoint workplaces that are hazardous to psychological safety. For example, OSHA regulations could mandate that the managers prevent employees from treating the animals in an inhumane or unusually cruel manner. OSHA inspectors could make unannounced visits to slaughterhouses and inspect the premises for evidence of unusual cruelty that tends to cause psychological harm. In addition, whistleblowers could inform OSHA of incidents of unusual cruelty, and OSHA could investigate the claims and impose fines on the employers as necessary. This system would deter the employers from tolerating cruel behavior through financial dis-incentives.

However, given the years-long, politicized debate over ergonomics regulations, it seems more likely that the agency's refusal to face the realities of psychological harm in the workplace is a political or policy-based choice of an agency reluctant to anger the constituents and donors of Congress and the executive branch, the decision-makers who fund the agency.⁵⁶

Additionally, OSHA's dismal track record of protecting the physical well-being of slaughterhouse workers—and workers in general—further discourages reliance on the agency for protection against serious psychological harm. For example, in 1983, a beef plant worker was killed by toxic fumes while cleaning a blood-collection tank. The plant was fined \$960 and was required to develop a new cleaning method, and OSHA made one follow-up safety inspection to observe this new method. Eight years later, three workers were killed while cleaning the same tank. The company was then fined \$1.5 million.⁵⁷ OSHA has proved to be a weak advocate and an ineffective enforcement mechanism for protecting the wellbeing of American workers, and slaughterhouse employees should not rely on OSHA developing new regulations to protect them from psychological harm.⁵⁸

B. Worker's compensation for psychological harm

Worker's compensation provides a somewhat more promising legal scheme for redressing the psychological harm of slaughterhouse work. Worker's compensation claims have historically been accepted in numerous

⁵⁶ See, e.g., Katherine Torres, *After the Storm: Weighing in on the OSHA Ergonomics Guidelines*, OCCUPATIONAL HAZARDS (June 9, 2006) available at <http://www.occupationalhazards.com/News/Article/38281/ArticleDraw.aspx>.

⁵⁷ Worrall, *supra* note 7, at 315.

⁵⁸ See Mike Casey, *OSHA: Discounted Lives*, Kansas City Star, Dec. 11, 2005, available at <http://web.archive.org/web/20060221124011/http://www.kansascity.com/mld/kansas-city/business/13379101.htm> (reporting that in 80 fatal or injury-producing accidents in the Kansas City area, half the employers paid fines of \$3,000 or less). See also generally DON J. LOFGREN, DANGEROUS PREMISES: AN INSIDER'S VIEW OF OSHA ENFORCEMENT (ILR Press 1989) (describing the first-hand experiences of an OSHA inspector).

states for the compensation of non-physical injuries.⁵⁹ Psychological harm inflicted by slaughterhouse workplaces could be compensated through a state's worker's compensation system. The state would create guidelines for psychological injuries and conduct psychological examinations to determine the presence and extent of claimed psychological harm. This system would encourage employers to maintain psychologically healthy working environments, and it would also provide a financial incentive for the state to create regulations that prevented unusual cruelty to animals in slaughterhouses. In addition, the system would provide monetary relief to workers who suffer from ongoing, pervasive psychological problems due to the violence of their workplace.

However, some courts have interpreted their states' particular worker's compensation act to refuse the compensation of non-physical harms.⁶⁰ This state statutory scheme leaves the slaughterhouse workers vulnerable to the political maneuvering of state legislators and their donors, who may be tempted to revise worker's compensation statutes that are amenable to claims of psychological harm.

In addition, worker's compensation claims that do address psychological harm are primarily focused on the harm caused by a single, unusual event, rather than on the trauma caused by routine, day-to-day tasks. Most courts that do permit claims based on a series of stressful events require the showing of "extraordinary stress [because] employers should not be required to compensate their employees for disabilities that result from day-to-day mental stresses and tensions which all employees must experience."⁶¹

This unusual stress test would prove to be a serious hindrance to the ability of slaughterhouse workers to recover for their psychological harm. For example, in Pennsylvania, the courts have held that psychological harm such as depression may be compensated only if there is "a finding either that claimant's work performance (as distinguished from the mere job description) was unusually stressful for that kind of a job or a finding that an

⁵⁹ See, e.g., *Charon's Case*, 75 N.E.2d 511, 512 (Mass. 1947) (holding that the Massachusetts Workmen's Compensation Act does not "exclude an injury causally connected with the employment merely because the injury was not occasioned by physical impact or the application of some external violence to the body."); *Montgomery v. St. Comp. Comm'r*, 178 S.E. 425 (W.V. 1935) (affirming compensation for worker who suffered shock and exhaustion after being lost in a mine for seven days); *Burlington Mills Corp. v. Hagood*, 13 S.E.2d 291 (Va.1941) (affirming compensation for worker frightened by electrical flash and suffering fainting fits as a result).

⁶⁰ See, e.g., *Bekelski v. O.F. Neal Co.*, 4 N.W.2d 741 (Neb.1942) (finding that Nebraska statute requires violence to physical structure of the body for compensation and denying compensation to elevator operator for shock suffered after seeing a passenger die); *but see Bailey v. Am. Gen. Ins. Co.*, 279 S.W.2d 315 (Tex. 1955) (allowing compensation to worker for anxiety caused by the collapse of a scaffold when Texas statute defines injury as physical damage to physical structure of the body; finding that damage to the nervous system is damage to the physical structure when physical structure no longer works properly due to nervous system damage).

⁶¹ Anthony Michael Stiegler, *Comment: Worker's Compensation: Compensating Claimants Who Suffer Psychological Disabilities Caused Solely by Job-Related Mental Stress*, 60 TUL. L. REV. 651, 658 (1986).

unusual event occurred making the job more stressful than it had been.”⁶² This comparative method of determining compensation-worthy claims would permit an entire industry to inflict psychological harm on all its workers: as long as the psychological stress and trauma are evenly distributed, no single worker will suffer an “unusual stress” that would be compensated by worker’s compensation.⁶³ For example, as long as a hog-sticker—whose job will inevitably be bloody, gory, and immediately violent—does not have an unusually traumatic hog-sticking job, these worker’s compensation plans would not recognize the harm as compensable under the system.

Under the worker’s compensation regime, it is possible that, in states with a worker’s compensation statute amenable to psychological damage claims, some slaughterhouse workers may be able to recover for emotional damage caused by unusual slaughter-related stressors. Perhaps a worker suffering psychological trauma from a particularly gruesome incident could recover for that psychological damage. However, if those incidents are viewed as common and just “part of the job description,” the worker would be unlikely to recover for that psychological trauma. In addition, a worker who never saw an “unusual” incident of cruelty but who spent years slitting the throats of chickens or stabbing hogs would not be able to recover for the psychological damage caused by that long career in slaughter.

Clearly, worker’s compensation, while it may compensate for the most traumatic experiences of the most unlucky slaughterhouse worker, will not be the cure-all for slaughterhouse workers suffering psychological harm from their years surrounded by blood and death.

C. Expansion of the ultrahazardous activity tort doctrine

In states where psychological damage is not covered by worker’s compensation, a tort action against a slaughterhouse employer for emotional distress may be possible. Particularly when the employer ignores the Humane Slaughter Act or permits its employees to engage in the type of gruesome antics described by Virgil Butler, a tort action may result in recovery because the employer is not carrying out a slaughterhouse operation as contemplated by the regulating authorities or as imagined by the general public, but instead is running a slaughter operation that is obviously based on gaining the most profits with the least possible consideration for employee mental and emotional well-being.

While more common tort claims such as negligent infliction of emotional distress or intentional infliction of emotional distress may be the most obvious options for a tort action, an expansion of the ultrahazardous activity tort doctrine would provide a powerful mechanism for deterrence

⁶² *City of Scranton v. Workmen’s Comp. App. Bd.*, 583 A.2d 852 (Pa. Commw. Court 1990) (holding that the widow of a policeman who became depressed and committed suicide after investigation of a serial killer could recover worker’s compensation because prior to the serial murders, the city had not faced a significant number of murders).

⁶³ *See, e.g., Lee Anne Neumann, Comment: Worker’s Compensation and High Stress Occupations: Application of Wisconsin’s Unusual Stress Test to Law Enforcement Post-Traumatic Stress Disorder*, 77 MARQ. L. REV. 147, 176 (1993) (suggesting an “unusual stress test” for worker’s compensation claims in which the claimant’s work-related stress is compared with the stress faced by other workers in a similar job).

and compensation for psychological harm inflicted through slaughterhouse work.

The Restatement (2d) of Torts establishes six factors to be considered when determining whether an activity is ultrahazardous. Those factors are "(a) existence of a high degree of risk of some harm to the person, land or chattels of others; (b) likelihood that the harm that results from it will be great; (c) inability to eliminate the risk by the exercise of reasonable care; (d) extent to which the activity is not a matter of common usage; (e) inappropriateness of the activity to the place where it is carried on; and (f) extent to which its value to the community is outweighed by its dangerous attributes."⁶⁴

These factors indicate that maintaining a typical slaughterhouse should be considered an ultrahazardous activity for psychological well-being, and employers should be liable for psychological damage caused by the work. First, the evidence of psychological damage discussed above shows the "high degree of risk" that slaughterhouse work inflicts on the employees. Second, while more scientific studies are needed to definitively prove this point, the evidence also indicates that the psychological damage will be significant. Third, the risk of psychological harm cannot be eliminated by reasonable care. As the workers' statements indicated, while the unusual acts of cruelty could be eliminated, the mere act of killing hundreds of animals per day will create the risk of psychological harm. Fourth, the slaughter of animals is not a "matter of common usage." Instead, the slaughter of animals is done nearly exclusively by the employees of slaughterhouses. Fifth, the harm inflicted by the activity of slaughtering outweighs the benefits to society. The production of meat has little, if any, net benefit to society, since massive meat production—and the resulting predominately cheap, unhealthy food—has greatly contributed to the public health crisis in this country and other developed countries,⁶⁵ and large-scale meat production is also a major factor in the climate change crisis.⁶⁶ Thus, the psychological risk to slaughterhouse employees fits four, and possibly five, of the six factors used in determining an ultrahazardous activity. When coupled with the risk of physical harm, discussed *infra* in section II, the maintenance of slaughterhouse operations presents serious hazards that should persuade a court to add slaughterhouse operations to the ranks of ultrahazardous activities.

By labeling the slaughterhouse work as an ultrahazardous activity, a court would guarantee that the employers would take all precaution

⁶⁴ Rest.2d Torts, § 520.

⁶⁵ See, e.g., Timothy Key and Gwyneth Davey, "Prevalence of obesity is low in people who do not eat meat," *BMJ* 1996;313:816-817, <http://www.bmj.com/cgi/content/full/313/7060/816>; Christian Nordqvist, "Vegetarians Stay Slim, Meat-eaters Get Fat," *Medical NewsToday*, Mar. 14, 2006, <http://www.medicalnewstoday.com/articles/39538.php>.

⁶⁶ Food and Agriculture Organization of the United Nations, "Livestock a major threat to environment: Remedies desperately needed," FAONewsroom, Nov. 29, 2006, <http://www.fao.org/newsroom/en/news/2006/1000448/index.html>; FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS, *Livestock's Long Shadow: Environmental Issues and Options*, Nov. 2006, http://www.virtualcentre.org/en/library/key_pub/longshad/A0701E00.pdf.

necessary to reduce the psychological damage inflicted on employees, since the ultrahazardous activity doctrine is a strict liability standard. In addition, this doctrine would better ensure that the real cost of meat production is incorporated into the employer's production costs, rather than being absorbed by an uncompensated employee.

V. CONCLUSION

The mental and emotional harm suffered by slaughterhouse workers has long been ignored by the legal regimes that compensate workers for workplace injuries. However, in light of the growing literature documenting the serious mental and emotional impacts of slaughterhouse work, the legal system must rise to the challenge of protecting slaughterhouse employees. Direct compensation for specific harms, as discussed in this article, is one way of addressing the problem. However, supplementary safeguards to protect against cruelty against animals in the slaughterhouse and to avoid the dramatic and horrifying incidents, as described by Virgil Butler and other slaughterhouse employees, would be useful in lowering the mental and emotional damage suffered by the workers. An application of the ultrahazardous activity doctrine to the slaughterhouse employment would best ensure that employers provide adequate safeguards to reduce the cruelty inherent in slaughterhouse work.

In addition, the general public can express its disapproval of the current slaughterhouse conditions by reducing its consumption of the products of the slaughterhouse—meat, eggs, and dairy products.⁶⁷ By signaling to the slaughterhouse industry that the current conditions suffered by the workers and by the animals are unacceptable, the general public can use its most powerful weapon—the dollar—to help change the policies of the slaughterhouse industry. The social effects of slaughterhouse product consumption are harmful and far-reaching, and the legal regime and the general public must act to reduce those deleterious effects on society.

⁶⁷ Because “spent hens,” or hens whose egg production capacity has fallen below acceptable levels, are slaughtered for low-grade chicken meat, egg production is involved in the slaughterhouse system. *See, e.g.*, Farm Sanctuary, *Laying Hens*, <http://www.factoryfarming.com/eggs.htm>. Similarly, dairy cows who have outlived their usefulness are slaughtered for their meat, and, in addition, unwanted male calves—little-known “by-products” of the dairy industry—are kept in veal pens and killed for their flesh after a few months. *See, e.g.*, People for the Ethical Treatment of Animals, *Cows Used for Their Milk*, http://www.goveg.com/factoryFarming_cows_dairy.asp.