

Farming Industry Uses Ag-Gag Laws to Silence Whistleblowers

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Factory farms produce the vast majority of meat, dairy and eggs we consume in the United States. Large food producers use breeding strategies and economies of scale to produce food at low cost and high profits.

To maximize profits and fill the enormous demand for cheap food, large agricultural companies have resorted to cruel and inhumane treatment of farm animals. In particular, animals are packed in incredibly small spaces. Whistleblowers have exposed factory farms by using video recordings and other means to publicize the farms' practices. These exposés have resulted in negative publicity for the companies and have been bad for factory farm business. In an effort to combat attempts to expose their practices, the factory farm industry has lobbied for so-called "ag-gag" laws, which aim to prevent whistleblowers from reporting objectionable farming practices that potentially threaten public health and safety in the food industry.

Enactment of Ag-Gag Laws

In the last few years, ag-gag laws have been enacted in eight states (Idaho, Iowa, Kansas, Missouri, Montana, North Dakota, Utah, Wyoming and North Carolina) despite challenges from whistleblower and animal rights organizations. The most far-reaching ag-gag law was enacted in North Carolina and went into effect in 2016. Under the broad North Carolina law, employers can sue whistleblowers who record or take pictures of wrongdoing, not only in factory farms but also in other workplaces, including, but not limited to, schools, nursing homes and other corporate entities. Some states criminalize the recording of video or the taking of photographs at a facility without the owner's permission. Others forbid undercover investigators from misrepresenting themselves to obtain employment at facilities to gain inside access to factory farming practices.

Dangers of Suppressing Whistleblowers

By punishing whistleblowers, ag-gag laws protect factory farming companies at the expense of animal welfare and public health. Ag-gag laws have been challenged by organizations dedicated to protecting civil rights, animal rights and agricultural [food safety](#). In August 2015, the federal district court in Idaho heard a challenge to the Idaho ag-gag law and declared the law unconstitutional under the free speech clause of the First Amendment and the equal protection clause. It remains to be seen whether challenges in other states will find the same success.