

**BEFORE THE  
OFFICE OF ATTORNEY GENERAL  
STATE OF SOUTH DAKOTA**

**PETITION FOR ENFORCEMENT OF SOUTH DAKOTA ANIMAL  
CRUELTY LAWS AT SUN PRAIRIE CONFINEMENT HOG FACTORY—  
ROSEBUD SIOUX RESERVATION**

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November 2003

# THE HUMANE FARMING ASSOCIATION

November 14, 2003

VIA FAX (605) 773-4106  
and Federal Express

The Honorable Lawrence E. Long  
Office of the Attorney General  
500 East Capitol Avenue  
Pierre, South Dakota 57501-5070

Re: Petition for Enforcement of South Dakota Animal Cruelty Laws at Sun Prairie  
Confinement Hog Factory — Rosebud Sioux Reservation

Dear Attorney General Long,

On behalf of our 175,000 members, we are writing to bring your attention to an ongoing pattern of criminal wrongdoing at the Sun Prairie Rosebud Operation (hereinafter “SPRO”). SPRO is a pig production facility located on tribal trust lands of the Rosebud Sioux Tribe in Mellette County, South Dakota. SPRO is managed by Sun Prairie, a Nebraska General Partnership that operates pig production facilities, and Bell Farms, a North Dakota limited liability partnership located in Wahpeton, North Dakota (collectively “Sun Prairie”).

SPRO operates two sites: the Grassy Knoll site and the Cottonwood Grove site. Each site consists of 24 barns that nominally house 2000 pigs per barn, or 96,000 in the aggregate.

The Humane Farming Association (hereinafter “HFA”) initiated a formal investigation of conditions at SPRO on September 7, 2002. This investigation, which continues through the present time, has generated, among other items, transcribed interviews from more than two dozen current and former Sun Prairie employees, as well as photographs and videotape documenting systematic violations of South Dakota animal cruelty laws.<sup>1</sup> On its face, this evidence documents a pervasive pattern of abuse affecting tens of thousands of animals. This blatant criminal activity by Sun Prairie merits prosecution by your office.

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<sup>1</sup> Additional evidence obtained during this investigation documenting potential violations of laws and regulations pertaining to the health and safety of the workers at SPRO will be provided at a later date.

## LEGAL BACKGROUND

The State of South Dakota has enacted broad statutory protections for farm animals. The following provisions of Title 40, Animals and Livestock, Chapter 40-1 (Cruelty, Abuse and Injury to Animals) apply directly to the handling of pigs at concentrated animal feeding operations:

- **40-1-12. Allowing fatally injured or diseased animal to suffer needlessly prohibited—Violation as misdemeanor.** No person may keep any animal which is injured or diseased, past recovery, or unfit for any useful purpose and in suffering, or intentionally abandon to die any sick or disabled animal. A violation of this section is a Class 1 misdemeanor.
- **40-1-27. Inhumane treatment as misdemeanor.** No person owning or responsible for the care of an animal may inhumanely treat such animal. A violation of this section is a Class 1 misdemeanor.

Further, South Dakota has legislatively defined the term “inhumane treatment” in broad and expansive language making it clear that all animals are intended to be protected from maltreatment by their handlers:

- **40-1-2.2. Mistreatment, torture or cruelty of animals defined.** For the purposes of this chapter and chapter 40-2, the mistreatment, torture or cruelty of an animal is any act or omission whereby unnecessary, unjustifiable or unreasonable physical pain or suffering is caused, permitted or allowed to continue including acts of mutilation.
- **40-1-2.3. Neglect defined.** For the purposes of this chapter and chapter 40-2, the neglect of an animal is the failure to provide food, water, protection from the elements, adequate sanitation, adequate facilities or care generally considered to be standard and accepted for an animal's health and well-being consistent with the species, breed, physical condition and type of animal.
- **40-1-2.4. Inhumane treatment defined.** For the purposes of this chapter and chapter 40-2, the inhumane treatment of an animal is any act of mistreatment, torture, cruelty, neglect, abandonment, mutilation or inhumane slaughter of an animal that is not consistent with generally accepted training, use and husbandry procedures for the species, breed, physical condition and type of animal.

Finally, state law recognizes that, while workers may be the individuals who interact directly with farm animals, facilities’ owners and managers also maintain criminal responsibility for all treatment and/or mistreatment accorded the animals. **SDCL 40-1-14** provides as follows:

- **40-1-14. Corporate responsibility for knowledge and acts of agents.** For the purposes of § § 40-1-1 to 40-1-17, inclusive, knowledge and acts of agents of, and persons employed by, any corporation in regard to animals transported, owned, or employed by or in custody of such corporation, shall be held to be the knowledge and acts of such corporation as well as such agents or employees.

In short, criminal liability under state law extends to all employees in the organization, from non-Indian laborers to facility managers to the principals of the commercial entity itself.

The documentation obtained during HFA's 14-month investigation has yielded clear and overwhelming evidence of violations of all of the above statutes.

### **FACTUAL BACKGROUND**

In 1998, Sun Prairie approached the Rosebud Sioux Tribe with its proposal to construct and operate SPRO. As promoted in the project proposal, SPRO would provide unparalleled quality job opportunities for tribal members, state-of-the-art technology for pig production and waste disposal, and millions of dollars per year in profit sharing for the Tribe.

In reality, the project has provided low-wage menial jobs to a few dozen tribal members, many of whom have had their health seriously compromised from exposure to excessive levels of hazardous indoor air pollutants in the facility, as described below. No shared profits have changed hands. And, as is the subject of this petition, the animals have been housed — and many have died — in filthy, disease-ridden pens, without veterinary care, climate controls, or even adequate supplies of food and water. Many have been forced to consume and, in some instances, even drown in their own wastes.

The following describes the manner in which SPRO, as first proposed, is supposed to operate. Weanlings under three weeks of age and weighing approximately ten pounds are transported by truck from out-of-state farrowing operations to Sun Prairie's Rosebud Operation. Once on site, they are off-loaded into barns where they will remain for roughly 5½ months. After 5½ months, pigs reach a market weight of roughly 265 pounds and will be shipped to slaughter.

At SPRO, barns have been constructed with 18 pens on each side and an alleyway running down the center. Pigs are housed on slatted concrete floors so their excrement will fall through to a dry waste pit below. The waste pit, which reaches a depth of roughly two feet below the slatted flooring, is to be flushed with a surge of water emanating from approximately ten flush pipes in the front of each barn. The surge of water is supposed to force all excrement off the floor of the waste pit and out of the building via drainage pipes at one end of the barn.

Women employees are generally responsible for the care of weanlings. Prematurely weaned and subject to the stressors of transport, piglets are highly susceptible to disease. Employees caring for piglets must vaccinate pigs, watch closely for signs of illness and medicate sick piglets, ensure that feed mats contain food, that automated feeders and waterers are functioning, and that brooders (large supplemental heat lamps used to keep piglets warm) are operating safely.

As the weanlings grow in size, they need to be separated and moved into additional pens. With between 2000 and 3000 pigs per barn, animals at all stages must be “sorted.” This means that pigs must be separated by size to ensure that dominant pigs are not preventing smaller pigs from accessing food and water. Workers must also separate out any sick, injured, deformed, or “fall-back” pigs.

When piglets reach 50 pounds, they are re-designated “feeder pigs.” At this time, due to increased size of the animals, there is generally a change in personnel—from women to men—assigned to care for pigs. Again, workers must repeatedly inspect all pigs, sort by size, illness, and injury, diagnose and medicate sick pigs, and ensure that all automated feeders and waterers are functional. Additionally, because stressful, overcrowded living conditions may result in tail biting and cannibalism, employees are required to carefully inspect every pig at the beginning and end of the workday, as well as throughout the course of the day. In short, a substantial number of employees are required to ensure vigilant oversight.

At a market weight of 265 pounds, pigs are “loaded out” or driven up through a chute into trucks for transport to slaughter. Once emptied, the building—including the waste pit, slats, rails, feed trays, water nipples, walls, and ceiling—must be cleaned by individuals operating power washing equipment. The barn must also be sanitized, disinfected, and allowed to dry. The pigs have been housed in this building for nearly six months. Cleaning and disinfection are absolutely crucial to ensuring that incoming weanlings are not exposed to pre-existing pathogens.

## SUMMARY OF ONGOING VIOLATIONS OF SOUTH DAKOTA ANIMAL CRUELTY STATUTES AT SPRO

### I. GROSS NEGLIGENCE AND MALTREATMENT

Evidence obtained during HFA's investigation reveals an abysmal and shocking failure on the part of Sun Prairie to provide even a modicum of care to pigs. Sun Prairie's policy of intentionally withholding proper care from healthy, sick, injured, and mutilated animals is responsible for the preventable suffering and lingering deaths of hundreds of pigs at the facility at any given time. In addition, Sun Prairie's policy of requiring employees to perpetrate acts of brutality against animals represents egregious violations of South Dakota criminal law.

Among numerous violations of law, the three greatest and most frequently expressed concerns by Sun Prairie workers during the course of HFA's investigation were 1) Sun Prairie's practice of isolating weak, sick, and debilitated pigs in sick pens without providing adequate veterinary care, food, or water, and 2) Sun Prairie's standard practice of abandoning weak, sick, and debilitated pigs in barn alleyways without providing any veterinary care, food, or water, and 3) Sun Prairie's routine practice of abandoning weak, sick, and debilitated pigs in pens with healthier pigs where they are permitted to be mutilated and eaten alive by healthier pigs.

**A. Abandonment of debilitated pigs in sick pens and alleyways without food, water, or veterinary care.** As will become apparent, due to severe overcrowding and understaffing, workers are often unable to remove sick and injured pigs from the general pig population in a timely fashion. In those instances where pigs are removed, those that are deemed potentially "salvageable" for commercial use are sometimes deposited in "sick pens."

Pigs in sick pens often receive no treatment. Those that do are generally administered antibiotics for the duration of only a few days. Pigs that are too debilitated to walk or crawl to feed trays or water nipples die of starvation or dehydration. Those pigs that do not respond to antibiotic treatment are left to die prolonged deaths and are frequently victims of wounds inflicted on them by their sick-pen mates. Many are cannibalized by other injured or ill pen mates.

Disabled pigs that are deemed "unsalvageable" are generally dragged into alleyways where they receive no veterinary care for their illnesses or injuries and no analgesics for pain. Once deposited in alleyways, pigs are provided no food or water, but rather are left to languish for days—in some cases weeks—before they succumb to their illnesses, injuries, or starvation and dehydration.

The following are transcript excerpts from interviews with Sun Prairie workers. All transcript excerpts are highlighted and in bold typeface.

I: So when they would take these pigs—the sick ones, the injured ones, the ones that were being eaten alive—[out of their pens], they would just leave them in the aisle way without treating them or giving them food or water?

WORKER: Yeah. Once they hit that aisle, they were pretty well dead. Lots of the guys would do that because they know what's going to happen. If they leave them in there, they'll get eaten up by the other pigs, and then it'll be a big old mess. By putting them in the aisle ways, in a way they're trying to protect them. But at the same time, they're not feeding them while they're protecting them.

I: So they're just neglected out there.

WORKER: They're neglected.

I: And some of them will die from lack of food or water or they just die from their sickness?

WORKER: They'll lay out there three, four, five days. Surprising how long a pig will go without eating. They just lay there. You walk that aisle and you can just step right over them and they won't even move.

Exhibit #1, p. 19-20

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I: When these are laying out in the alleyway, are they fed or watered while they are out there?

WORKER: No.

I: How long will some of these go laying out there sick or injured without food or water?

WORKER: A Week. Depends on how long it takes them to die. Two weeks.

I: They just leave them out there until they die?

WORKER: Yeah.

Exhibit #2, p. 44

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WORKER: If nothing else, I would try to at least get it in the aisle way. I don't have the strength in my hands. I got arthritis in my hands, and I also didn't have the heart to slam them on the ground to kill them.

I: Mmhmm.

WORKER: So I would tell somebody, "...I got three pigs in the aisle way that need to be put down." Because they told me, "If you can't [kill them], come to us. We'll do it for you." Well, they wouldn't do it.

I: So they just laid there?

WORKER: They just crawled right around in the aisle way. It was terrible.

I: How many days would they be out there?

WORKER: Till they died.

Exhibit #3, p.18-19

**WORKER:** When they put that pig in the middle aisle, they expect him to stay alive by eating that old shit. That's what I figure. It's the only way he can. They ain't getting no water either.

**I:** So if they're not given food or water, they'll resort to eating the manure? And you've seen that happen?

**WORKER:** Oh yeah.

Exhibit #1, p. 35







**B. Abandonment of weak or sick pigs in general pig population.** As noted, weak or sick pigs are often not isolated or removed from the general pig population in a timely manner—if at all.



The result: these animals are viciously attacked and often completely cannibalized by healthier pen mates.

The continual “sorting” of animals in individual pens is an important and critical husbandry practice in large confined animal feeding operations. Sorting consists of inspecting every pig individually on a continual basis and separating and removing from the pen those pigs that are debilitated or are not growing as rapidly as pen mates. The main purpose of immediately removing small or infirmed pigs is to prevent dominant pigs from attacking them.

According to *Veterinary Medicine* by Radostits (W.B. Saunders, 8th edition, page 497):

The causes of these forms [ear chewing and tail biting] of cannibalism in pigs ...are undoubtedly related to an inadequate total environment. Affected groups are usually more restless and have a heightened activity. Factors such as a high population density, both in terms of high pen density and large group size, limited food and competition for food, low protein and inadequate nutrition, boredom, and inadequate environment in terms of temperature, draft and ventilation have been incriminated in precipitating the onset of these vices.

In short, pigs that are subjected to harsh living conditions will respond by attacking and cannibalizing weaker pigs. Conditions at SPRO are considerably more hostile than Radostits' requisites for cannibalism and, not surprisingly, cannibalistic behaviors abound among herds at SPRO. Severe overcrowding also prevents workers from making a visual inspection of every pig.

**WORKER:** So these pigs are so crowded that if a pig goes down, you are not going to be able to find it. The other pigs will eat on it. If I miss one of these down pigs, by morning it will be all eaten up. If I find one that is down, I will pull it out and put it in the center of the aisle.... I never knew who was supposed to dispose of these pigs when they go down. A lot of them are left out in the middle of the aisle to die.

Exhibit #4, p. 3

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**WORKER:** The ones that were more aggressive would eat most and their growth rate would change, where the ones that were weaker were getting shoved out and then they would be attacked.... They would be real weak and lay down and the rest of them would just, I mean, jump on it. I was always beating pigs off of a sick one, you know, in trying to help the sick one out.... And uh—because I didn't want to clean up the mess if they killed it. You know?

Exhibit #3, p.23

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**I:** You just have to leave the sick or younger ones in the same pens with the other pigs?

**WORKER:** Right.

**I:** And what is going to happen to those sick ones, or the ones that are smaller than the other ones?

**WORKER:** They just let them die. I mean, they call them—what's the term they use? "Junk."

...They chew on them. The other pigs attack them. If another pig sees another pig weak, it attacks it. It chews on it.

**I:** And they will just keep chewing on it until it is dead?

**WORKER:** Yeah.

**I:** Does this happen like on a—is it like once a month, or is it a daily thing?

**WORKER:** Daily. Daily.

Exhibit #2, p.19-20









Complete cannibalism often begins with tail biting, and at SPRO, thousands of pigs are victims of tail bite. As soon as a pig becomes bloodied by any type of wound including tail bite, pen mates converge on the animal and eat away at the wound, often down to the innards if the pig is not removed from the pen. Even if the pig is eventually removed from the pen, the animal is generally placed in a sick pen where it receives essentially no veterinary care and again becomes the victim of more aggressive pigs in the sick pen.

**WORKER:** A tail bite is when they start chewing on the tail. After they chew the tail off, they chew his butt out. And they start eating—I seen where they be chewing on him, and all the pigs' faces in the barn be red. But the other pig would still be alive.

...They'd be chewing at his insides, picking him up off the floor.

Exhibit #2, p.31

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**WORKER:** We have pigs, I mean hundreds of them [with] tail bite. And there are pigs out there now with holes in them [8 inches wide] in their rear end and the other pigs just eat away at it. They are supposed to sort them and pull them out of those pens and get them away from those pigs that is doing that to them.... It just gets worse and worse and they eat them to death.

Exhibit #5, p.3-4

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**WORKER:** They were giving the big ones—the tail bite ones—they'd give them shots, but I never did see them where they'd separate them right away. And then the next day, they'd go back in and then put all the tail bites in the middle part of the barn.... But I'd still see the big pigs still chewing on one another while they were in that pen. And there would probably be close to 50 of them in there with tail bites and they would still be eating on each other.

Exhibit #6, p. 13-14





Likewise, at SPRO, an astounding number of pigs suffer from hernias and “stomach ruptures.” In a few cases, ruptures the size of volleyballs drag along the ground and make it extremely difficult for pigs to walk or even sit. Ruptures soon become the target of attack by other pigs. If a pig with a rupture is not removed from the pen, its innards will be consumed by pen mates and the pig will succumb to a prolonged, tortuous death.

**I: Would the other pigs start eating on those ruptures?**

**WORKER: Yeah. They would start chewing on it. If they didn't get it out of there right then, when they did it, or anything like that, that pig would be halfway eaten by the time you came in the next morning. The pigs would just chew on them that bad.**

**Exhibit #7, p.21**

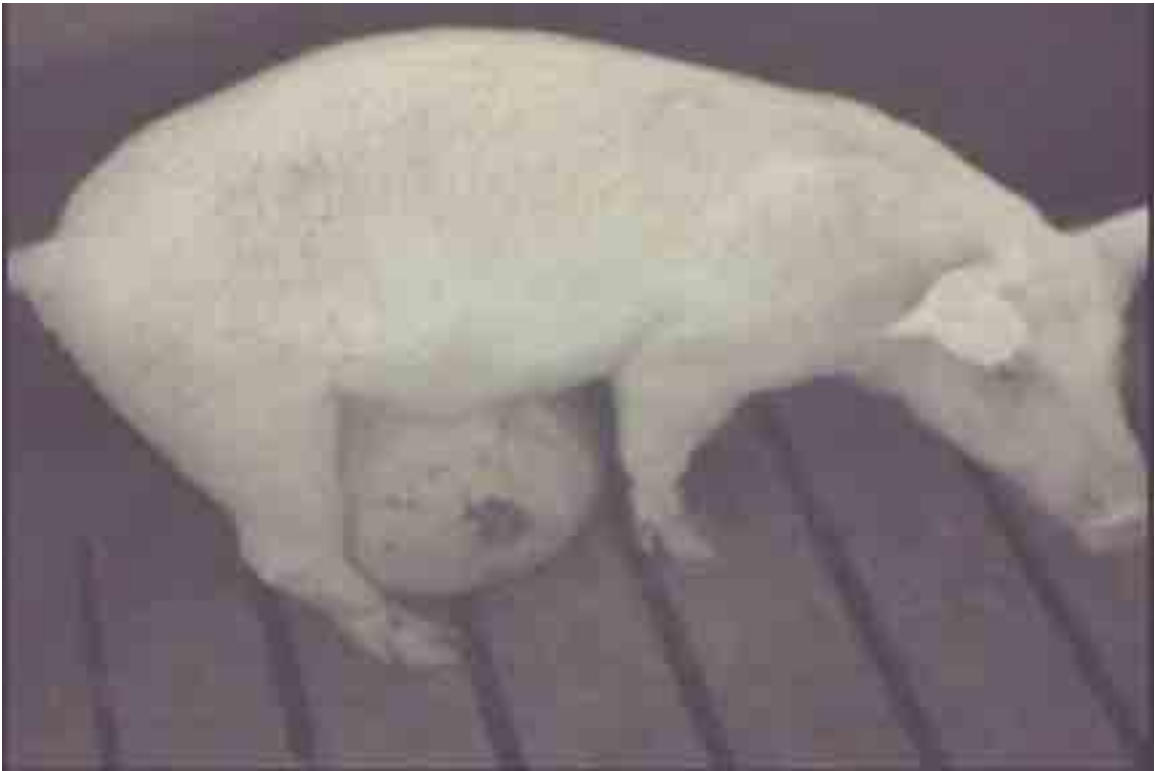
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**WORKER: And I have seen some with belly ruptures, where it would be laying down and too sick to move, so the other ones would be over there attacking it. And when that pig was too sick to move or anything, they'd just go in, open the gate, drag it out in the middle of the aisle and just let it lay there to die....**

**Exhibit #6, p. 14**







These attacks are a frequent and ongoing problem at SPRO and are extremely vicious, leading to complete mutilation of pigs. In many cases, if wounded pigs are not removed quickly, the only remains left are bones and hide, referred to as “rugs” by employees. The rest of these pigs is consumed by pen mates. In fact, when “rugs” fall between the slats into the waste pit, they are often responsible for clogging up drainage pipes, causing back ups of wastes into the pens (see section III, C).

**I: When you say they're gone and they're a rug, you mean they've been eaten totally, and the rug is the skin that's left?**

**WORKER: When you pick up that rug, I mean all you've got is just the skin, the hooves, and the head. And the bones too. The bones may be laying around.**

**Exhibit #1, p.22**

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**WORKER: And there were times you can go in there in the mornings and find rugs, which is a pig where they ate him all out and all that was left was skin and their legs and stuff like that. And that's very hard on a person to try to breathe that and try to pull it out of a barn.**

**Exhibit #7, p.11**

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**I: And could you describe for people who don't know, what is a rug?**

**WORKER: A rug is basically, if you seen one, it looks just like a bear rug on the floor. It is all flat and everything, but you have the head, you know? ...A rug is a pig that has been rotting, sitting there, where the ribs have actually come apart and it is basically flat except for the head.**

**I: So the rug is the skin?**

**WORKER: Yeah, it is basically the skin and bone. The meat is usually broken down, ate up by maggots and it's basically just a rotten carcass.**

**I: Okay. And what is usually the cause of the rugs? Is that from pigs eating—**

**WORKER: Basically, pigs have been eating on them, and laying on them, and that's how they get crushed down and flat, because other pigs will lay on them, and that's why they call them, that's another reason why they call them rugs—is because the other pigs will actually use them for a rug, you know. And they will sleep on them, lay on them, eat them up off the cement. That's why they call them rugs.**

**...And they're real hard to find a lot of times when you go through a barn with a lot of big pigs in there, because the other pigs will be laying on them. So a lot of times you won't see them, and that's what mashes them down through the [slats]. If they are standing on them and work them in, like knead them to make them soft, that is what usually works them down through there.**

**Exhibit #8-C, p.2-3**



**C. Debilitated pigs often cruelly killed.** In those cases where debilitated pigs are actually killed by workers, smaller pigs are “thumped.” This means that workers have smashed pigs’ heads against the concrete floor or metal rails. During thumping, pigs are often slammed multiple times. Despite repeated thumping, in some cases pigs remain alive and conscious as attested to by employees who observe continual eye movement and breathing by these moribund animals.

**WORKER:** They would grab the back of the legs of the little pig who’s fallen behind or is sick or something, and instead of treating it and trying to make it better, they would grab the back legs and swing it over their shoulders with both hands and try to hit it right in the head to make it die.

A lot of these times I would see the pig not die on the first hit, also not die on the second hit. You hear the squealing, you see the blood fly, you see the eyes bulge out.... You go around with two or three guys and you load all the dead pigs up. A lot of times in these piles of dead pigs—little weaner pigs, anywhere from 5 to 25 pounds—they would still be alive in these piles.

**I:** When you say alive, how would you describe it other than—

**WORKER:** Looking at you with one eye, breathing through the mouth.

Exhibit #4, p.18

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**WORKER:** They might have to pick them up and slam them down three or four times to kill them. It was terrible.

**I:** Did you ever see any that were left alive...?

**WORKER:** Yeah. They’d be trying to crawl or screaming or whatever, and they’d go, “Oh, they’ll die in a minute.” And they would walk away from them.... There’s been times they had to kill one over again that was being taken to the dead box. Wasn’t quite dead.

**I:** So he’d been left out there for a long period of time?

**WORKER:** ...At the earliest, all day long, if not a couple of days. People just step over them.

Exhibit #3, p.29

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**I:** Okay. Can you describe thumping?

**WORKER:** Take them over your head. Try to catch them on the top of the brain.

**I:** Okay. Does that always work?

**WORKER:** No. No.

**I:** You have to do it repeatedly?

**WORKER:** Sometimes you do it repeatedly or you stand on their neck. The way to do it now, we take the water hose and stick it down their throat and blow them up like this, and their butt-holes pop out.

**I:** When did they start doing this?

**WORKER:** Started doing that about—since I've been back this time. That's the sure way to kill them.

**I:** How often have you seen them do that?

**WORKER:** I have seen it—see it a lot. I mean, that's just the easy way to do it.

**I:** So you just drown them to death?

**WORKER:** Yeah.

**Exhibit #2, p. 38-39**

Despite availability of a captive bolt gun, larger pigs are often beaten to death with hammers, T-bars, rebar rods, and angle irons. Due to these haphazard beatings, some animals will also remain alive for a lengthy period of time before dying.

**WORKER:** I saw [the supervisor] hitting a lot of pigs in the pen with a hammer. He used a hammer to hit behind the head.... I saw him a lot of times use a long—like a long steel rebar type of rod where you would pick it up with a T. He would use that to hit them behind the head, especially the large pigs.

**I:** Like an angle iron?

**WORKER:** Exactly. And these pigs would not die after the first hit and they would be kicking around and trying to move and run and you could hear them squealing. Then he hit them again and maybe miss and hit them again and hit them again until they finally don't move anymore.

**I:** And this is while they are in the pen with other pigs?

**WORKER:** In the pen, exactly.

**Exhibit #4, p.15-16**

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**WORKER:** What they're supposed to do, when they see a pig like that, pull it, and thump it.... The big ones are too heavy. They got a special gun they use, but they don't use that. They'll come over there, they'll get a hammer, or whatever's heavy, they'll hit it in the head three or four times and kill it.

**I:** ...As a maintenance worker, did they ever come to you to borrow your hammer to hammer them to death?

**WORKER:** Oh yeah. I got mad at them. I came back and found my hammer all full of blood and everything. I said, if you guys are going to use this, at least clean it up.

**Exhibit #1, p. 18-19**

**WORKER: All the time, that gun isn't necessarily on hand. And I've seen people just take a straight hammer and just start wailing on them. I've seen pigs with their whole head crushed in get thrown into the dead box and three days later they will still be breathing.**

**Exhibit #5, p.3**

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**WORKER: They had people that would come in and hit them on top of the head with a hammer and try to kill them, because they couldn't save the pig. So they had to hit them with a hammer.**

**I: Would they have to hit them multiple times?**

**WORKER: About three or four times, sometimes. If they didn't have a very heavy hammer, I have seen guys hit them five or six times out there.**

**Exhibit #7, p.9-10**

Sun Prairie routinely fails to conform to almost all generally acceptable animal care practices to ensure the humane treatment of healthy, sick, and injured animals. Sun Prairie's policies of intentionally abandoning sick and injured animals to die slowly without sustenance or veterinary care, of allowing for complete cannibalization of injured or ill pigs by pen mates, and of beating weak, ill, and injured animals to death, are all in direct violation of SDCL. Sun Prairie has clearly violated SDCL 40-1-12 for keeping "any animal which is injured or diseased, past recovery, or unfit for any useful purpose and in suffering, or intentionally abandon[ing] to die any sick or disabled animal." Similarly, Sun Prairie's above-described conduct violates SDCL 40-1-27's prohibition against inhumane treatment.

## **II. OVERCROWDING**

As noted, many pigs are overcrowded in pens at SPRO. During their 5½-month confinement at SPRO, pigs will grow more than 25 times their arrival weight. As pigs grow in size, they need to be separated and moved into additional pens. Failure to move these rapidly growing pigs in a timely manner leads to overcrowding. Compounding the problem is the fact that although, as noted, Sun Prairie's original proposal called for a maximum barn capacity of 2000 pigs, management has, on numerous occasions, far exceeded that number.

Without sufficient room for pigs to walk freely about pens, pigs continually step on and injure pen mates. As already noted, overcrowding results in less dominant pigs being blocked access to food and water, and in fighting and ultimately cannibalism. Severely overcrowded pens prevent workers from inspecting pigs, thereby allowing animals to be killed or to starve to death without workers' knowledge. In summer months, to dissipate heat, pigs attempt to lie out on pen floors and some are smothered to death by pen mates.

I: What's the biggest problem with overcrowding....?

WORKER: ...Definitely finding sick ones. Sometimes there'll be a starve-out in there and you will swear to God that you didn't see him. And all of a sudden you would walk through there—it would just be a light little skinny one.

Exhibit #2, p.37

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WORKER: In some of the pens, the max capacity per building is 2000 ideally, but in a lot of these barns we have 2300, 2500, to 2700. In barns with smaller pigs, we get up to 3000—it tends to be extremely crowded. In the larger pens with the 250-pound pigs, in hot summer days it gets up to 120 degrees inside one of these barns. These pigs are all laying down... Some of the pigs would try to get up to get to the water, but it was so crowded in there that they couldn't get to the water. For me to try to get in the pen and move the pigs around and get one pig to the water, it was too much. There were a lot of pigs I pulled out just from dying from the heat.

Exhibit #4, p.3, 33







### **III. LACK OF SANITATION**

**A. Barns not cleaned for six months.** Pigs at SPRO live in a filthy and unsanitary environment. Barns are only cleaned and sanitized between cycles of pigs. Once weanlings are moved into the barn, the facility is not cleaned until the surviving pigs are “finished” and shipped out 5½ months later.

As noted, pigs live on slatted concrete floors. Excrement is pushed through the slats by the walking action of the pigs. The floors of the pens quickly become fully coated with feces and urine on which pigs stand or lie for the duration of their confinement. Excrement piles up along the back of the pens. In the front, it rolls out into alleyways. Feces becomes mixed with urine, excessive amounts of feed dust, and feed spills and results in a grossly unsanitary environment for the pigs. Swarms of flies, attracted to massive amounts of excrement, produce maggots.

**WORKER:** ...Barn 24 was that way too, because they didn't clean it. April 16<sup>th</sup> of this year was a year since they cleaned it. And then I think we [finally] cleaned it in June. So it's been about fourteen months.

**Exhibit #8-C, p.9**

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**I:** By the times these pigs were ready to go to market, was it pretty filthy in there?

**WORKER:** Yeah. Like the sixth month it was nasty. And they didn't want you to stand in with a hose or hose the floor out and stuff and try to keep things clean because it was just kind of a waste of time... they'd just wait till all the hogs were out. But there would be crap piled in the corners a foot high, you know?

**I:** In the pens—themselves?

**WORKER:** Yes. In the corners, you know, where the hogs would all lie. Every hog in there was shitty. Weighing 250 pounds and they would have this mess on their back.

**Exhibit #9, p.18**

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**WORKER:** Sometimes the entire barns are full of flies and it is totally black from the flies. They are in the corners, on the pipes, and on everything. It would be so black with flies that I would have to go in and spray it... because the workers couldn't work in there because there are too many flies.

**Exhibit #4, p.46-47**



**B. Inadequate flushing.** The excrement, which falls through the slats into the waste pit, is often not adequately flushed. Because feces and urine from 2000-plus animals is constantly being deposited in the dry pit below, the system was designed to flush every 15 minutes, twenty-four hours a day. Unfortunately, Sun Prairie has failed to follow its own guidelines. At the facility, waste pits are infrequently flushed and some barns do not even contain operable working flushers. When waste pits are not flushed frequently, the manure and other filth becomes hardened. When flush water eventually flows, it is unable to wash down this build-up of hardened manure mixture. This hardened waste matter, referred to as “shit clogs” by the Sun Prairie workers, gradually accumulates to such an extent that it may run the entire length of the barn and remain unaffected by the surge of water from the flushing system. Pigs—possessing highly developed olfactory senses—are confined inches above this large urine/manure mixture and are exposed to odors and dangerously high levels of ammonia emanating from these “shit clogs.”

**WORKER:** I had a barn one time that not one of the flushes worked in it—the whole time I had it. There weren’t even flushers there. They had taken them out for whatever reason. The flies and maggots would just build up in there. The pigs were eating maggots.

**I:** How long did this go on in this particular barn that it was never flushed?

**WORKER:** I had them from the time they were 50 pounds to the time they were 250 pounds.

Exhibit #5, p.11

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**I:** Was the system set up ideally that every barn could be flushed every 15 minutes, 24 hours a day, seven days a week.... Because of the flushers breaking down, were they able to do that?

**WORKER:** No. When the flushes broke down, there was times that he would take—I call it the monitor box—out of the barn. It would be out of there weeks at a time. There was no way that it could flush. And I don’t know what it took to repair a flush box or anything like that, but for weeks on end, it shouldn’t have been like that.

**WORKER:** We had barns with all those flush boxes were gone. They didn’t even have one flush box.

**WORKER:** On both sides. You know, it’s hard when you got eight boxes in there and all eight boxes are gone. I mean how do they expect that to flush down?

Exhibit #7, p.19

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**WORKER:** If that flush box breaks down, they can be broke down for a month, two months at a time, until somebody gets to it and fixes it.

**I:** So they can go for a month without being flushed? Which means that all the manure and urine piles up underneath these slats.

**WORKER:** You can get some shit clogs from the front of the barn clear to the back of the barn.

Exhibit #1, p.27

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**WORKER:** None of the flush boxes worked in one [barn]. They started getting them fixed one by one, but the shit clogs were already in there. Now you got to get the shit clogs out. It defeats the purpose to fix the flush box after a shit clog's in there, because the water just goes around the shit clogs and won't push them out. Because they get hard.

Exhibit #8-B, p.9

**C. Sewage back-ups and overflows.** At SPRO, there are two types of sewage back-ups that occur. Often times, “shit clogs” block the flush water as it flows through the waste pit, causing the sewage water to flood through and above the slatted concrete flooring. Manure and urine flow into the pens with the pigs. This sanitation nightmare exposes pigs to obvious health hazards. Many SPRO pigs wear a film of dried manure, evidence that they were subjected to these “spill-overs.” Pigs are rarely, if ever, properly cleaned or dried off. This also causes chilling of pigs with subsequent disease outbreaks.

**I:** How big would some of these shit clogs be?

**WORKER:** Maybe all the way to the beginning of the barn—to the end of the barn.

**I:** The very end of the barn?

**WORKER:** Yeah.

**I:** So the pigs that have been living in this—in those barns for 5 ½ months—they were living on top of all this manure and—

**WORKER:** It goes up—usually towards the last month, about the fourth month then it starts coming across there.

**I:** The slats?

**WORKER:** Yeah.

**I:** So it's actually in there with the pigs?

**WORKER:** Yeah.

**I:** The manure and urine?

**WORKER:** Yes.

Exhibit #10, p.6

**WORKER:** [Barn 24] was a cesspool when I got it. I mean, it was really bad. You could see the maggots swimming in the pee, because they were trying to get down deeper. I mean, it was that bad.

**I:** Was this above the slats, or below the slats?

**WORKER:** Above the slats. Where the pigs are.

**I:** ... So the manure was over the slats in Barn 24?

**WORKER:** Yep.

**I:** In all the pens?

**WORKER:** Yep. [The pigs] were all in water and everything. Yeah. And when the pigs went to the bathroom, there was no place for it to go, so it was just all wet. It was just stinky.

Exhibit #8-C, p.13, 10

The second type of back up occurs when drainage pipes, located at the end of the building, become clogged with waste and animal parts. Again, flush water, manure, urine and other contaminants have no place to flow but up through the slatted floors and into the pens with the pigs. These overflows are much more severe than the spills caused by “shit clogs.” Workers report instances in which pigs, standing in their pens, have actually drowned as these cesspools have overcome them. While drownings are not common, the overflows resulting from clogged drains are far from unusual.<sup>2</sup> In nursery barns housing weanlings, sewage may rise to the animals’ abdomens, and occasionally up to their necks. In barns housing finishing pigs, animals may be sloshing around in sewage up to their bellies. Again, as pigs remain in these contaminated cesspools, they often become chilled, with subsequent disease outbreaks. These spills engulf feed trays and water nipples. With no access to food and water, sometimes for days, most pigs resort to consuming manure and urine from cesspools. It sometimes takes several days to alleviate these spills. Even then, feed trays and water nipples are often not cleaned after being contaminated by these back ups.

**WORKER:** You could look down between the slats and all you see is a sea of solid waste. And then people would take a handkerchief or something and blow their nose and stuff it down through the slats. They would take off filthy gloves, whether it was from another barn or the barn they were in, and put them down the slats. They would throw medicine bottles down the flush area, behind the flush area, so what this does is plugs everything up.

**I:** Mmm.

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<sup>2</sup> Waste pits are slightly angled, tilting downward towards the end of the barn so gravity will assist the flow of sewage to drainage pipes. When overflows occur, sewage is deepest in the pens located in the back of the barn nearest the drainage pipes. Overflows will usually back up into three to five pens on each side of the alleyway, and thus affect several hundred pigs.

**WORKER:** When you go to flush the barns out, then all this stuff goes down to the end and clogs up.

**I:** And it backs up.

**WORKER:** It backs everything up, right. And sewage comes up through the floor.

**I:** And are the pigs in these pens when this sewage comes up?

**WORKER:** Yeah. Every barn is full to capacity. There is not a barn that hasn't got a pig in it, unless it's in the process of being sanitized to bring in a new shipment.

**I:** So these pigs are left to stand, or to even lie, in this mess?

**WORKER:** Yes.

Exhibit #3, p.29-30

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**WORKER:** The pipes will get plugged up with rubber gloves, dead pigs, manure, sometimes these pigs.... And there'll be dead pigs piled up in the corner for three or four days—and that is what we call a rug... and that skin will fall through the cement grates and then go down there and plug it up. I've pulled pigs out that didn't have a bone in their body, not even a skull.

Exhibit #5, p.30

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**I:** Did you ever see the manure and urine get so backed up that it comes through the slats?

**WORKER:** Oh yeah.

**I:** And the pigs are walking around in it?

**WORKER:** Especially the little baby pigs, the little ones. When they start they're only maybe four inches off the ground. And that water comes about four or five inches off the ground. So you'll lose a few pigs and they'll be... like swimming around with their heads sticking up.

Exhibit #1, p.27

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**I:** And the pigs are actually walking around in all this manure and urine?

**WORKER:** That's when I call them my black faces pigs. Uh, let me see. About a month ago, we came and opened a barn and it was clogged in the back and from like two and one-half pens, and up to about three pens coming to the front, we had to get them out of the water.

**I:** How high was it?

**WORKER:** It was as high as my boots. I wear boots—right here? It was higher.

**I:** Just below your knees?

**WORKER:** It was that high. It was high.

I: So it was up above belly level?

WORKER: Yeah. It was high.

I: Do those pigs get chilled from being in there like that?

WORKER: You could tell that it was bothering them, because like, they couldn't walk. They must have been there a while, overnight.

Exhibit #2, p.36

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WORKER: And when that happens, when they flush the barns, the water has no place to go and so it backs up inside the barns. I saw the barns backed up so far—four or five pens deep. Thus, right where it goes down to the drain plug, that pen, the pigs were up to their shoulders in shit water with their heads just above water.

...I saw that numerous times, not just once. So have other workers seen this. I, myself, pulled out one pig because of drowning in it. I talked to another worker who said he had seen other workers pulling dead pigs out of there—floating in that shit water that was backed up in there.

Exhibit #4, p.27-28, 30





Once market pigs have been shipped to slaughter, workers utilizing power-washing and other equipment clean and sanitize the barns.

**I:** Okay. When you would go in these barns after, I guess they hadn't been cleaned in 5½ months, six months, would they be really filthy, or—

**WORKER:** Oh yeah. There would be maggots, pieces of dead pig, some rugs would still be stuck underneath the floors. And basically, if you can't get the rugs out, that's usually when we pulled the [slats] out and then we would pull the rugs out.

Exhibit #8-C, p.2

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**WORKER:** They are living—the mice and stuff are living in the shit underneath the floor of the pigs.

**I:** Really?

**WORKER:** See, we used to power wash them. We even did the shit clogs underneath the floors. We see rats, mice, and stuff come running out of there.

Exhibit #8, p.15-16

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**I:** ...Have you ever had to go down [in the waste pit] and clean out those things? And what do you find?

**WORKER:** You find basically everything that falls through there. Because on the end of the pen—personally I don't see how a pig can get down there, but you will find pigs....

**I:** Do you see other things?

**WORKER:** I had to put up fire extinguishers in all the barns. When you slam that front door, that fire extinguisher will fall off into the pit. That and everything else. Pop bottles. Cigarette packs. Medicine bottles. Everything gets thrown down there.

Exhibit #1, p.28

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**WORKER:** You can see bones and stuff sticking up underneath there. They don't clean the bones out, let alone anything else. When I power wash barns, I could almost construct three pigs. You know, there might be some ribs missing, but that's the first thing goes down the sewer.

Exhibit #8-B, p.17-18

Even barring spills and overflows, SPRO barns are filthy and are neither cleaned nor sanitized for the duration of the pigs' 5½-month stay. As documented, pigs at SPRO live in squalor. Any reasonable person would conclude that the barns at SPRO are in violation of SDCL 40-1-27, which prohibits "neglect" and "inhumane treatment." See also SDCL 40-1-2.3 – "the neglect of an animal is the failure to provide food, water, protection from the elements, adequate sanitation, adequate facilities or care...."

#### **IV. LACK OF FOOD AND POTABLE DRINKING WATER**

##### **A. Debilitated pigs prevented access to food and water.**

- Weak or infirmed pigs are frequently neither sorted nor removed from pens containing healthier and more dominant pen mates. These pigs are permitted to be pushed away from feed trays by more dominant pigs and deprived of food.
- As noted, pigs that are sick, injured, or dying are frequently placed in barn alleyways without access to food and water. Thousands die from their illnesses or from starvation or dehydration.
- Debilitated pigs that are deemed potentially "salvageable" and are deposited in sick pens are often too incapacitated to walk or crawl to feed trays or water and routinely die from starvation or dehydration.
- Weanling pigs whose legs become stuck between slats in concrete flooring are frequently unable to extricate themselves. Trapped between slats, they are unable to access food and water and often die from dehydration or starvation.

**I: ...These little pigs, did their legs ever get caught in the slats?**

**WORKER: Mmhmm.**

**I: Would that prevent them from getting food or water?**

**WORKER: Oh yes. If we didn't see them, you know, just leave them sitting there and pass them up, they will sit there until whenever... they break their little legs.**

**I: Trying to get themselves out?**

**WORKER: Yeah. They would get swollen underneath there. That's why you had such a hard time pulling them out, because the ankle or their leg is broken, so you can't pull them past that part.**

**I: ...Would any of them be trapped over a weekend without food and water because they would be stuck?**

**WORKER: Yeah, probably. Even if they're just right in front of the feed bin, they're still stuck, they can't reach the feed and water right there.**

**Exhibit #11, p.17-18**

**I:** Have you ever seen them get caught in the slats?

**WORKER:** The little ones—the little ones, all the time. I've seen them die because their legs would get stuck in the slats. And, they can't get to food. I've seen where their leg will go through and swell up. And people will just yank on that pig while it's alive trying to get its leg out of that slat.

**Exhibit #5, p.20**

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**I:** Did you ever see these baby pigs get their legs caught in the slats?

**WORKER:** Yes. Sometimes they would die.

**I:** They would die?

**WORKER:** If nobody saw them in the slats getting their feet stuck, they would die.

**I:** Because they were not able to get to food or water?

**WORKER:** Yes.

**Exhibit #12, p.25**

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**WORKER:** We pulled a bunch of them out of there. Their legs would be stuck in the lathes, we would pull them out.... When I went in there and pulled real hard, I thought I was going to pull a couple of piglets' legs off, you know, but you had to get them out.

**I:** ...So these pigs that would get stuck, they would go without food or water, or—

**WORKER:** Yeah. A lot of times they would. And a lot of times they end up dying there. I pulled a few dead ones out too, that were laying there dead with their legs stuck, because nobody got to them and they were stuck like that for maybe all night, or maybe a couple of days. The other pigs would eat on them, you know, pick on them until they died, and then they would start eating them.

**Exhibit #8-C, p.21**

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**WORKER:** When you work in nursery, those little guys, you have to pull them out of there. You know, sometimes their legs get stuck in the slats and their legs are still hanging, and they sleep there so that that leg gets—the circulation gets cut off, their leg will swell, and they can't pull out their legs themselves. And they stay there, away from the food, away from the water. And I guess this one incident, someone told me, they couldn't pull that pig out of the slat, which I could have if they had come and got me. But they bludgeoned it to death with a gate rod.

**Exhibit #13, p.21**





**B. Failure of automated feeders and waterers.** Due to mechanical failure of the automated water system or the blockage of water nipples by grain, build-up of medications run through water lines, or high chlorine concentrations added to water at Cottonwood Grove site, pigs are frequently unable to access water and suffer from dehydration. This is particularly acute in weanling barns (piglets often receive medication in their water supply) and occasionally occurs when weanlings are not taught how to use water nipples.

**WORKER:** Pigs have died from dehydration from not getting water.

**I:** Was that because they could not get to the water?

**WORKER:** There was nothing there for them to drink. The water nipples are often plugged due to food droppings and amoxicillin. It happened more with weaner pigs because they were drugged more.... You would leave them at night and the next morning you would have to pull all the dead ones out—25 per day average, 10 on a good day.

Exhibit #4, p.5

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**I:** Have you ever seen [piglets] get dehydrated or die from lack of water?

**WORKER:** Sure have. You can tell when they're dehydrated too. They turn like a pinkish, a real off-pink purple color.

Exhibit #8-A, p.18

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**I:** Did you see any [piglets] get dehydrated to the point where it affected their health?

**WORKER:** Yeah. They'd be staggering around. They had that real listless look to their eyes, you know, or their coats would be real dull. I would notice when they would come in, most of them seemed to be pretty healthy...and they would be shiny and their hair was all shiny and stuff. And it wouldn't be three days later and in the baby barn and they'd be all dull and thin and stuff. That's what made me start cleaning out the water thing—checking it.

**I:** Mmhmm.

**WORKER:** I mean, I didn't know. I wasn't told that they had not been trained to use these water servicers, so I assumed that they were drinking. I would see that—"Gee, what's wrong?" I would go look and their water would be plugged up, or there would be no water in the basin at all. I would hit the little thing and as soon as the water would start pouring, they would all run over there and drink. So I knew they were dehydrated.

Exhibit #3, p.16-17

**I: Would the water nipples ever get stopped up and plugged up?**

**WORKER:** They sure do. With the baby pigs, they put medication through the water line. And that medication plugs up the nipples... And sometimes the whole barn would be like that.

**I: And how would they get water during that time?**

**WORKER:** They don't get water.

**I: Did you ever see any of them get dehydrated?**

**WORKER:** Oh, poor things. Yeah. I'll tell you what. You get in there—from the barn they have a water hose—and I'd get the water hose and I'll start spraying at them. And they'll be jumping up and down on the side of the fence trying to get you, trying to get to that water.

**Exhibit #1, p.15-16**

Due to failure of the automated feeding system, such as broken feed augers or moist feed that becomes caked and blocks feed lines, pigs are frequently unable to access sufficient feed and suffer from hunger and starvation—frequently resulting in cannibalism. Likewise, feed trays and feed are often contaminated with flies and maggots. As previously noted, in instances where pigs are not provided food or water, they resort to eating manure and drinking sewage water that has backed up into pens from waste pits.

**WORKER 1:** Yeah. We have seen a lot of flies and maggots.

**WORKER 2:** There were a lot of those.

**WORKER 1:** Sometimes in the food. And the pigs would eat it.

**I:** Flies and maggots would be in there?

**WORKER 1:** Yeah.

**I:** The pigs eat the maggots?

**WORKER 1:** Yeah.

**Exhibit #14, p.16**

**C. Contaminated water supply.** The Cottonwood Grove site and Grassy Knoll site obtain water from different sources. There are universal complaints from workers at Cottonwood Grove describing visible parasites in the water supplied to the pigs. Workers attribute higher disease and mortality rates at Cottonwood Grove to the unhealthy water supply. At Cottonwood Grove, workers are strictly prohibited from drinking the water. Employees at Cottonwood Grove who comply with the “shower

in/shower out” requirement allege that showering causes serious body rashes. Many workers at Cottonwood Grove re-shower at home after work. Despite the fact that Sun Prairie strictly prohibits workers from drinking this water, management has not been deterred from providing this as the only source of drinking water for pigs housed at Cottonwood Grove.

**WORKER:** I think the reason why a lot of those pigs are so sick at Cottonwood is because that water is so dirty.... I'd just look at it and you could see all those little bloodsuckers and all kinds of other things in there.... And it was always warm, hot water the pigs had up there.... And I think that's the reason why some of those pigs always got sick too, because they would never have fresh, cold water to drink.... I mean, think of yourself as a person drinking warm, hot water all day long. You know? Can you imagine a pig drinking warm, hot water all day long with their body temperature not cooling down or anything?

Exhibit #15, p.5, 18

Sun Prairie's failure to ensure that sick and healthy, weanlings and market pigs, are provided even the most basic requirements of life such as access to food and water demonstrates the company's abject disregard for the welfare of the animals in its care. The above represent direct violations of South Dakota law as they constitute "abandonment" and "allowance of needless suffering" under SDCL 40-1-12, as well as "neglect" and "inhumane treatment" under SDCL 40-1-27. See also SDCL 40-1-2.3 - "failure to provide food, water...;" SDCL 40-1-2.2, 40-1-2.4.

## **V. LACK OF ADEQUATE SHELTER AND VENTILATION**

**A. Failure to maintain adequate temperature in barns.** In cold weather, inadequate numbers of brooders in weanling barns frequently force piglets to crowd and pile up under brooders. This results in piglets at the bottom of the pile suffocating and those on top receiving burns on their bodies from being too close to brooders. Some piglets atop piles sustain severe burns, while others burn to death before they are discovered.

**I:** Did you ever see any of these young ones when it's cold, when they try to get around that brooder, do you ever see them get piled up where they suffocate?

**WORKER:** Yeah. Yeah. I've seen that.

**I:** Have you ever seen them get burned from those brooders?

**WORKER:** Oh yeah. We find them. We call them "baby back ribs."

**I:** Because they're burnt and they're dead?

**WORKER:** Yeah.

Exhibit #2, p.40

**I: ...Talking about the brooders, did you ever see them where they would get burned because they are in the bottom and they get too—**

**WORKER: Yeah. They actually do get stuck in the slats under a brooder and they don't pull them out and the next morning they are "crispy critters." You can smell it.**

**I: So they literally burn to death.**

**WORKER: Pull it out, it would be hot. You pull it, it would come apart.**

**Exhibit #13, p.21**

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**WORKER: If nobody pulled dead in the evening, then when you walk in in the mornings... you'd see the dead, you know—baking under near the brooders and you'd have to go pull it. And you know, sometimes there's a hide stuck there, and you do the best you could just to get it out of there, or those other pigs will be feeding on it.**

**I: When you say a "dead bacon" or a "hide" was in there, was that from being burned?**

**WORKER: From being left there under the brooders. Whoever walked the barns in the evening didn't pull them, so you know they have been there longer than when they were supposed to have pulled them.**

**I: Were some of these still alive and burning, or—**

**WORKER: Some of them, yeah. There was a lot of times you'd walk in there and they'd be laying there half alive, half dead.**

**I: And would their skin be stuck to the—**

**WORKER: No, but part of their body would be burning. They'd be too sick to even move.**

**Exhibit #15, p.2-3**

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**I: Do some little pigs get their legs stuck in those slats?**

**WORKER: Right in the middle of the deal they got—they call it a brooder. In the wintertime, we use that for heat. And when that little pig gets its foot stuck in there and he can't move, the next time you come, that pig's cooked.**

**Exhibit #1, p.21**

Due to mechanical failures of the automated curtain system,<sup>3</sup> frozen curtains, or power outages, pigs are frequently exposed to subzero winter temperatures, winds, and, on occasion, snow. Workers observe pigs shivering and huddling together from cold. Subsequent bouts of respiratory ailments including pneumonia are not uncommon after such instances.

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<sup>3</sup> Curtains are solid shutters that hang from the barn walls on hinges. When opened, they admit air and light.

Heat takes a toll on pigs in the barns during summer weather. Overcrowding compounds this problem. With an average of 2000 pigs per barn, pigs' body heat quickly raises ambient temperature in buildings in hot weather. Pigs are often observed panting due to heat and experience sudden death syndrome—heat strokes or heart attacks.

**B. Failure to utilize other climate control devices.** Failure to utilize misters in barns contributes to overheating. Despite the fact that misters were installed in barns for the purpose of cooling pigs, misters are rarely, if ever, used for that reason. Some employees report that supervisors will not allow workers to use water hoses to cool pigs off. Barn fans are not maintained in working order.

**WORKER:** They are supposed to be turning on the misters. But since our pond is low, they haven't been turning the misters on and the pigs are laying almost just like a carpet, panting heavily, you know, foam coming out of their mouths. They can't sweat, so that's their only coolant, by panting.

Exhibit #13, p.15

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**WORKER:** They had misters they could have used but I never saw them use that.

**I:** They never used the misters even when it is 100 degrees out?

**WORKER:** No. I never saw that.

**I:** Did they ever tell you how to turn them on?

**WORKER:** No. I was never instructed and I was the maintenance man out there.

Exhibit #4, p.32

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**WORKER:** I've seen it to 106 degrees in the barns. All the pigs are just "layed out." They tend to die off a lot quicker in temperatures like that. Sometimes they just smother. There is too many of them in too cramped of an area and they overheat and a few of them will die off.

**I:** Will they use the "misters" to try to cool them off?

**WORKER:** I have never seen one of them on. We've got them, but I really never have seen them on.

Exhibit #5, p.32

**C. Air inside barns dangerously polluted.** Barns are essentially sealed shut in winter months, precluding any outside ventilation or fresh air for the pigs housed at SPRO. As noted, an inadequate number of operable fans contributes to lack of proper ventilation and circulation of air. As a result, gasses from waste pits and dust particles from feed build up to toxic levels.

**1. Ammonia.** Due to grossly unsanitary conditions at SPRO, combined with overcrowding and inadequate air exchange, concentrations of ammonia gases rise to excessive levels in barns. The elevated levels of ammonia gases present a clear danger to the health and welfare of pigs that are housed in this environment 24 hours a day for their 5½ month cycle. Ammonia is highly irritating to pigs, causing respiratory illnesses and general health deterioration.

Sun Prairie workers report numerous ailments from exposure to ammonia in barns, despite their use of protective masks. Common complaints include dyspnea, productive hacking coughs, generalized cold-like symptoms, and body rashes. All of these symptoms are consistent with prolonged exposure to high levels of ammonia. Some workers are on daily medications including albuterol inhalers (used by asthmatics and individuals with emphysema and chronic bronchitis) in order to continue working at the facility. All former workers with these symptoms showed dramatic improvement after discontinuing employment at SPRO and most were able to stop their medications. Almost all workers experience vomiting episodes at the SPRO, a typical body reaction to exposure to extreme levels of ammonia.

**I: Did you ever vomit from the smell of the ammonia?**

**WORKER:** Oh gee. Yeah....

**I: Did you see other workers throwing up from the smell?**

**WORKER:** Oh yeah. Constantly. Like the more you're there, you get used to it. But when you first get out there in the morning, you go to open barns. Soon as you open that door, that smell will hit you. It seems like it takes awhile for you to get used to it again. Especially if it's an old barn [a barn housing older pigs that hasn't been cleaned in a long period of time]. Some barns are worse than others.

**Exhibit #1, p.6**

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**WORKER:** There were times when I opened the door and I'd have to stand outside and leave that door open for a couple of minutes or so to let that ammonia smell and that out. It would—it made me sick.

**Exhibit #7, p.18**

**2. Dust particles.** Due to overcrowding and inadequate air circulation and ventilation, and the enormous quantities of feed pumped into feed trays on a daily basis, a high concentration of dust particles pollutes the barn environment. Under certain lighting conditions, workers observe a flurry of dust particles floating in the barn atmosphere. This high concentration of dust can become toxic in poorly ventilated barns such as those at SPRO and can cause "Organic Dust Toxic Syndrome" (ODTS) in humans. According to the Centers for Disease Control and

Prevention, ODTS is “a respiratory and systemic illness that may follow exposures to heavy concentrations of organic dust contaminated with microorganisms.”<sup>4</sup> This dust causes similar, although potentially chronic, respiratory problems as those experienced by workers subjected to high ammonia gas levels. The pigs inhale this severely irritating toxic dust around the clock from the time they arrive as weanlings until they are shipped to slaughter.

**WORKER: Every time I would go into the barns, or even be on the property, I couldn't breathe. The dust or whatever it is from the feed got into my lungs and caused an acute bronchitis attack. I was sick for probably two months. Everyday, it was worse and worse trying to breathe. I finally had to quit.**

**Exhibit #3, p.2**

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**WORKER: When the pigs would move around in there and you would walk into the buildings, you would see a mist inside there. Like if you had chalk and hit it together and that powder would fly around. That is what it looked like in there.**

**Exhibit #4, p.13**

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**WORKER: When I go in these barns, when you walk in there, it's like just smoke. Because that's how bad the smell is. So I would always have a mask or my shirt over me under my suit. You could walk in there and see—I mean, it's like sometimes mountains of flies. It's like mountains of smoke.**

**Exhibit #15, p.14**

With regard to both lack of shelter and ventilation, Sun Prairie is in direct violation of SDCL 40-1-27, which prohibits “inhumane treatment.” See also SDCL 40-1-2.3 -- “failure to provide protection from the elements...[and] adequate facilities or care;” SDCL 40-1-2.2 – acts “whereby unnecessary, unjustifiable, or unreasonable physical pain or suffering is caused;” and SDCL 40-1- 2.4 – acts of “torture, cruelty, neglect, and abandonment.”

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<sup>4</sup> <http://www.cdc.gov/nasd/docs/d001001-d001100/d001027/d001027.html>; doPico GA [1986]. Report on diseases. Am J Ind Med 10:261-265; Parker JE, Petsonk EL, Weber SL [1992]. Hypersensitivity pneumonitis and organic dust toxic syndrome. Immunol and Allergy Clin of North America 12(2):279-290.

## **VI. LACK OF DISEASE PREVENTION AND VETERINARY CARE**

**A. Spreading contamination between barns.** Sun Prairie has failed to establish and maintain a disease prevention program. Management does not implement even the most basic preventative measures to reduce the spread of disease among farm animals. Animal health is dramatically compromised as workers introduce disease agents by walking with ease from one barn to the next. While standard “biosecurity” measures dictate that workers “shower in” before entering a barn, this is not a policy to which Sun Prairie adheres when it comes to those individuals who work directly with Sun Prairie’s most disease-ridden facilities and animals.

**I: So if you were in a barn with a bunch of sick pigs, and then you had to fix a fan in the baby barn, you would go into the baby barn without showering or changing your clothes?**

**WORKER: I never showered in between [work] hours.**

**I: You had mentioned that they had you hauling out dead pigs. Would you go inside the barn sometimes to get these dead pigs out?**

**WORKER: We would have to.**

**I: So they never expressed concern that you would be tracking diseases from one barn to the other, especially knowing that you were handling sick and diseased pigs?**

**WORKER: Yeah. They never did.**

**Exhibit #1, p.13-14**

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**I: When you start power washing... this is pressurized water that you are pumping onto these slats. I mean, does this stuff splash up on you?**

**WORKER: Oh yeah. You get wet. You get maggots all over you. They will be in your hair, there will be shit all over you. Yeah, oh yeah.**

**I: So when you get done with the pen, what do you look like?**

**WORKER: You’re all wet and dirty. You got pig shit all over you, maggots, you know. And a lot of times, when I run up for lunch, I would want to take a shower before I sit down to eat....**

**I: And they didn’t want to give you time to re-shower and clean up?**

**WORKER: Well, that. And then they never had enough clothes... If you showered, you had to put your old uniform back on.**

**...If you had this uniform on and something happened in another barn and you had to go in there, see, you are carrying all this maggot, shit and stuff that’s on you, and all the germs that these other pigs died from, and you go into another barn and you are just spreading the sickness to these other pigs.**

**Exhibit #8-C, p.4**

I: When you would have your dead ones in your barn, when they would come around to pick up the dead ones, would they come inside your barn?

WORKER 1: Yep.

I: Even after they had been in other barns picking up sick and dead ones?

WORKER 2: Yeah. Because they tell us not to throw our dead outside because of the media or whatever. So when the guys come out to haul dead, they go through all the barns and pick up the dead inside the front door.

I: But they actually would come in, walk into the barn?

WORKER 1: Yep. Mmhmm.

I: After being in other barns picking up sick and dead ones?

WORKER 2: Yeah.

Exhibit #14, p.18

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I: And when you get done dragging that dead pig and put it in the truck, then you go to the next barn... without changing clothes or washing or anything?

WORKER: Don't wash.

I: Even though you had taken out a pig that might have died from some type of illness or—

WORKER: No shower or don't change clothes.

I: ...So, when these illnesses break out... they don't quarantine those barns, so another worker would go into that barn and then go back to their barn, and possibly spread that disease to the other barns?

WORKER: Yeah.

Exhibit #2, p.16, 24

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WORKER: But there were so much maggots [in the dead box], you couldn't see the pigs. So... I washed all the maggots off the pigs, so you could find the pigs. You had to be standing in maggots..... And then they started pulling the pigs out, but you couldn't pull a full pig, because he would fall apart on you. And these same boots that they use in the dead box... when they come to work the next day, they put them boots on and walk down in the baby barns with them.

I: After they've been inside the dead box, cleaning the dead box?

WORKER: There's maggots still on them, guts and shit and all kinds of crap. Same boots!

Exhibit #8, p.47

**B. Inadequate cleaning between cycles.** Occasionally, only portions of barns have been cleaned and sanitized following removal of finished hogs. Weanlings, placed in “clean” pens in these buildings, are exposed to a host of airborne diseases from remaining large accumulations of manure, urine, flies, maggots, dead pigs, and other debris that have built up over the previous cycle.

I: Do you know if the barns were sanitized and disinfected before they brought in the weanlings?

WORKER: Before they brought in the baby ones? Ah, shit, no. ...They'll disinfect just half the barn and the rest of the barn won't be disinfected. We would still be doing the [shit] clogs all the way down. And all that maggots and stuff would be flying everywhere.

Exhibit #16, p.5

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I: Are the barns completely sanitized and disinfected before they bring all the new pigs in?

WORKER: Every nursery barn I had, had a shit clog in it.

I: Really?

WORKER: Every nursery barn, you know, and I am surprised those pigs didn't die as fast, you know, because of the diseases, I mean, that shit has in it from previous pigs.

Exhibit #13, p.9

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I: When they brought the weanlings in, did they always have time to completely sanitize and disinfect?

WORKER 1/WORKER 2: No.

WORKER 2: Oh my goodness! That one time... they just did [cleaned] the cement.

WORKER 1: There was shit all over.

WORKER 2: All over. And when they brought the new ones in, there were 400 that died out of one barn, and the other one [barn] that wasn't very sanitized, was another about 400 that died out of there. Probably because the other ones were sick too that got left in there.

I: ...Did they ever come in and not have enough room or they weren't finished sanitizing, and they put the little pigs with other bigger pigs in the same barn?

WORKER 2: Yeah.

WORKER 1: Yeah. They will put them in the same barn.... Sometimes they're not all the way done. Just half of the barn is done. The front half's done and the back is still shitty.

I: And they would still bring the pigs in?

WORKER 1: And they still bring the pigs in.

Exhibit #14, p.12-13

**C. Failure to isolate sick animals.** Sun Prairie's disregard for disease control is especially egregious in its failure to move sick pigs to isolation barns. At best, a sick pig might be moved to an alleyway or a designated sick pen inside the same barn but sick animals are not removed from the barn. This neglect exposes all pigs in a given barn to any airborne contagion as well as to physical contact with pigs from neighboring pens. It also poses a threat to pigs as excrement from diseased animals moves down the waste pit, often backing up into pens themselves.

**I: If a pig is discovered to be ill, is it placed in an isolation barn? Or is it just—**

**WORKER:** There are no isolation barns.

**Exhibit #2, p.19**

**D. Failure to remove dead animals from barns.** Not only did Sun Prairie fail to isolate sick animals from the general population, but it also failed to remove dead, diseased, and rotting carcasses from the premises in a timely fashion.

**WORKER:** I tell you the pigs laid in there sometimes, I don't know how long. But when you grabbed their leg to pull them out, you'd pull their leg right off.

**Exhibit #9, p.10**

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**WORKER 2:** Leaving the dead too long, I think, in our barns didn't help very much either.

**I:** So how long would they leave them in there?

**WORKER 2:** It depends. Weeks.

**I:** Weeks?

**WORKER 1:** Weeks.

**WORKER 2:** Where they were just turning green and they were falling apart.

Because the dead box was too full.... Until that dead box got emptied, then they would leave them in our barns. They wouldn't take them outside.

**I:** And so the smell, I guess, got pretty bad in there?

**WORKER 2:** Oh, yes.

**I:** And then there's a concern about pigs getting disease from those, too.

**WORKER 1:** Yeah.

**WORKER 2:** Well, in the wintertime, we started putting ours outside, and they didn't like that too well. But we figured they were frozen anyway. Outside it is better than sitting in there. We had them covered up outside with mats so nobody could see them, but that's how we got them out of our barn.

**Exhibit #14, p.28-30**







**E. Veterinary visits infrequent.** Employees' testimony reveals an appalling failure on the part of Sun Prairie to provide veterinary care to sick, injured, and dying animals. It seems unthinkable that a facility housing 96,000 animals does not contract with a veterinarian to oversee the care and treatment of healthy, sick, and dying animals on a daily, weekly, or even monthly basis. Nor does management adequately instruct workers in the handling, diagnosis, or treatment of sick or injured animals.

Workers report that veterinarians rarely visit SPRO. Due to inadequate veterinary care coupled with lack of disease control and overall poor husbandry practices, SPRO experiences frequent outbreaks of diseases affecting entire barns.

**I: Were veterinarians ever called out to examine these pigs when they were sick to find out what's wrong?**

**WORKER:** The vet, he does go out there, but he doesn't come out there on like an everyday basis. He'll come out maybe once every two or three months. Whatever, you know.

Exhibit #1, p.13

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**I: How often does a veterinarian come out to the farm to inspect those animals?**

**WORKER:** Monte can come—he was supposed to come this week, but I think last time he was here was a couple of months ago. It was over three months.

Exhibit #2, p.21

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**I: How often does [the veterinarian] come out?**

**WORKER:** Ah, gee. Last time he was out, about three months ago—no, four months ago.

**I: Oh. So he doesn't check the pigs to make sure that they're disease free or—**

**WORKER:** No.

Exhibit #17, p.14-15

**F. Inadequate worker training.** Workers report that they are provided little if any formal training in veterinary care including how to recognize swine diseases, which specific antibiotics to administer to sick pigs, or how to administer vaccinations and medications. Workers at SPRO state that they are provided little to no training in euthanasia.

**WORKER:** No one ever told me what these [medications] were for. I had to learn that by myself by reading and still to this day I don't know all the meds and exactly what they were for. No one ever taught me.... I heard it through the grapevine from talking with other workers.

**Exhibit #4, p.14**

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**WORKER:** The other day, there is a guy out there—not too bright. He gave a bunch of pigs, he overdosed them on penicillin. So they are all throwing up.

**Exhibit #5, p.15**

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**I:** Do you get any formal training in treating these pigs or in medicating them or what to give them?

**WORKER:** You learn on the fly.

**I:** So it's pretty much experimental? You just try one thing and if it doesn't work you try something else?

**WORKER:** ...I shot some pigs up with [one medication], and the next day, the rectum was pink and they called it a rectal prolapse. That's why I won't use it no more, because of what they got the next day.

**I:** So when you say rectal prolapse, you mean the intestines come right outside of the pig itself?

**WORKER:** Come out the butt.

**Exhibit #2, p.23-24**

**G. Reuse of filthy needles; pneumonia.** The reuse of filthy, infected needles promotes disease spread among highly susceptible pigs. In addition, numerous pigs exhibit large abscesses in the neck and other areas where they have been infected when stuck with unsanitary needles. Workers often slit open abscesses to drain pus without anesthetics. Due to the filthy environment, abscesses often remain infected causing suffering to the pigs.

Pneumonia is also a serious problem at SPRO. Pigs chilled when standing in spill water and exposed to cold temperatures when faulty curtains are not functioning often contract pneumonia.

**WORKER:** Oh, they'd use the same needle on maybe a couple of pens before they'd change needles of that particular medicine.

**I:** So that's approximately 160 to 170 pigs?

**WORKER:** Yeah.

**I:** Before they'd change needles?

**WORKER:** Yeah. They'd only change them if they'd bent it.

Exhibit #3, p.34

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**WORKER:** The abscesses are from dirty needles.... If you are getting medicine out of the bottle, you are supposed to use a clean needle every time. And these guys use dirty needles and that is spoiling our medicine.

...Some of those pigs I see with abscesses on their necks, or on their butt, little bubbles, that's because probably what they did, when the pigs come over, they poked them [with the needle] to get them away. That would cause it too.

Exhibit #13, p.23-24

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**WORKER:** Whatever you hit, that is what you hit. If you hit back of the neck or under the chin, you do it so fast.... A lot of times they would hit them in the ear and it gets infected and the ear blows up.

Exhibit #4, p.25

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**WORKER:** I've seen them get stabbed everywhere from the ears to the eyes to the back.

**I:** Did they ever get infected from receiving injections in the wrong place?

**WORKER:** Yes.

**I:** Where are they most likely to get infected, what part of the body?

**WORKER:** Usually around in the neck area. They'll get big abscesses. And when they have abscesses, sometimes they'll get big puss boils on their leg or back or whatever. They just give us a razor—"Here go cut that thing open." You make a big gash in it.

Exhibit #5, p.16





It is appalling that an operation housing nearly 100,000 animals at a given time would fail to establish and maintain a disease prevention program. Management's total disregard for disease control is no doubt responsible for the frequency of widespread disease outbreaks at SPRO and the preventable suffering and deaths of thousands of pigs at the facility each year. Even irrespective of these circumstances, it is unconscionable that Sun Prairie would neglect to provide animals that are sick or dying with veterinary care. Sun Prairie has violated the "inhumane treatment" prohibition of SDCL 40-1-27. See also SDCL 40-1-2.3 – "failure to provide . . . adequate facilities or care generally considered to be standard and accepted for an animal's health and well-being; SDCL 40-1-2.4 – "any act of . . . neglect . . . that is not consistent with generally accepted training, use and husbandry procedures for the species, breed, physical condition and type of animal."

## **VII. ABUSIVE TREATMENT DURING OFF-LOADING AND LOADING OF PIGS**

**A. Load-ins.** Most trucks delivering weanlings arrive in the evening. Workers are held past their regular off time to unload these incoming weanlings. Only weeks old and shipped long distances from out-of-state, the weanlings have been deprived of food and water and exposed to the elements during transport. Workers, anxious to go home, frequently treat weanlings roughly by tossing them, kicking them, throwing them into piles, striking them with rakes and shovels, or using any other means to off-load them quickly. Such mistreatment can cause everything from fractured legs to suffocation. In summer, weanlings can become quickly dehydrated if not provided water immediately upon arrival. In winter, they often need to be placed under brooders as soon as possible to prevent chilling. Workers are sometimes reluctant to perform these duties past their off time, resulting in neglect of piglets.

**I: Did you ever see any problems in how they unloaded the pigs?**

**WORKER: Yeah. They used to throw the baby pigs. Because if they didn't move, they used to throw them up and so they would move.**

**I: How far would they throw them?**

**WORKER: About that far. They would just throw them.**

**I: ...Would they throw them into the pens, or—**

**WORKER: No. They would throw them onto the other pigs.**

**I: ...Okay. Did you see any other abuses?**

**WORKER: They used to kick them.**

**Exhibit #12, p.26**

**WORKER:** They would bring them off the trucks. They are herding them down and they would be yelling. All the pigs in front, they would be throwing them, throwing them down the aisle. And a little bitty pig gets thrown 10 to 15 feet in the air over the other pigs. You know?

...They rush the pigs down like two, three, four hundred at a time.... And they'll be piled up [a few feet] high.... And them bottom pigs—the ones at the bottom—they're the ones that get all banged up. When their legs get stuck [in floor gaps], you can see a pig, its whole body be turned around pointing the other way. So automatically, he done broke his arm. His leg. So he's already deformed there. You'll find two or three dead ones down there.

Exhibit #1, p.24, 21

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**WORKER:** ...And it's really hard on them little pigs to be running them like that, when they're tiny, because they get heat exhaustion and they'd lose weight fast. Then the next day, when you'd go into your barn, you'd notice it because a lot of the little pigs would just be dead from being run down the aisles.

Exhibit #6, p.12

**B. Load-outs.** When pigs reach market weight, they are shipped to slaughter, usually 200 pigs per tractor-trailer. Again, workers are rushed to complete these “load-outs” since truckers must travel long distances to slaughter before closing time. In this frenzy, pigs are rushed from pens to loading chutes to trucks. To expedite load-outs, pigs are struck with sorting boards, kicked, and shocked excessively with electric prods or “hotshots”. Electric prods are placed in sensitive areas such as in the mouth, nose, eyes, ears, vagina, and anus.

During load-out, particularly in summer months, pigs that have been essentially sedentary for life suddenly pass out from heat stroke and heart attacks. Pen mates are now forced to run atop these downed pigs. Those pigs that are too ill, injured, or deformed to meet the requirements of large slaughterhouses are usually loaded up last so they can be delivered to “downer” plants en route to the slaughter houses. Sick and injured pigs are subjected to relentless prodding and beatings to drive them up chutes onto the trucks so the workers do not have to drag them manually.

**I:** Do you ever see them hit them with sorting boards or—

**WORKER:** Sorting boards. Kicked. Flipped over. Slammed. Whatever it takes to get them out.

Exhibit #2, p.41-42

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**WORKER:** ...That's a constant fight to get them on those trucks. They use boards, hotshots, slamming them. I've seen them kicked, punched, slapped—everything.

**I:** Were these sick ones?

**WORKER:** All kinds of them. They don't really discriminate. I've seen people take that hot shot and actually stick it in the pig's anus. And give it a shot, give it an electric jolt.

**Exhibit #5, p.8**

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**WORKER:** They get heart attacks when we run them up the chutes or run them up the alleys. They get overheated.... They'll keel over right there from a heart attack. They'll have a nosebleed and die. I see them get their feet caught in these gates and get broken arms, broken legs.

**Exhibit #5, p.19-20**

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**WORKER:** When you bring more than five [pigs from the pens to the truck], it ain't nothing for one to trample him.

**I:** On top of another one?

**WORKER:** Yeah.

**I:** Because they're being hot-shotted and rushed or beaten?

**WORKER:** It ain't nothing. I think I killed about two this week like that.

**Exhibit #2, p.42-43**

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**I:** Have you seen the hotshots used inappropriately, in the sense that they're used excessively?

**WORKER:** Yeah.

**I:** Just because they're in a hurry to get them—

**WORKER:** In their eyes....

**I:** In the eyes?

**WORKER:** Face, nose, anything to get them on the truck.

**I:** You ever seen them put them in the anus or the vagina?

**WORKER:** Yeah. See, that's the main spot to hit them.

**Exhibit #2, p.41-42**

Again, the above excerpts demonstrate that Sun Prairie is guilty of “inhumane treatment” under SDCL 40-1-27. See also SDCL 40-1-2.2 -- acts “whereby unnecessary, unjustifiable or unreasonable physical pain or suffering is caused...;” SDCL 40-1-2.4 -- “mistreatment, torture or cruelty.”

## **VIII. GENERAL ABUSE**

There is persistent and gratuitous abuse of pigs by Sun Prairie workers that is unrelated to the direct care of pigs. Workers often vent their frustrations on the pigs by physically abusing them. Gratuitous cruelty to animals is condoned and tolerated by Sun Prairie management.

Violence against animals at SPRO includes, among other things, extinguishing cigarettes on pigs' heads and torsos, beating and kicking pigs, poking at pigs' stomach ruptures, suffocating pigs by placing them in head locks or standing on their necks, placing smaller pigs in pens with larger animals to purposefully cause pigs to be attacked, picking pigs up and intentionally dropping them onto the floor, throwing pigs down into waste pits where they are eventually drowned by flush water, hot shotting pigs in sensitive areas for no purpose other than to see the pigs jump, and slitting pigs throats to watch them bleed to death.

**I: Did you ever see anybody choke these pigs intentionally so they couldn't breathe?**

**WORKER:** Yeah. That was becoming a general practice there for a while.... And this one guy—he run and jumped on that pig there and give him the headlock, he'll fall down, and he'll hold that pig in a headlock. And that pig was kicking and kicking. And after it stopped kicking, he'll let it go.... You'd give him five or ten minutes and he'd snap out of it. He'd get up and he'd be flopping all over the place. He can't hold his balance. And they thought it was funnier than heck.

**I: Did you ever notice any other things like that where they torment the pigs for the fun of it?**

**WORKER:** Oh, putting a cigarette out on a pig's back or on the face. Rub a cigarette on the face. That was a common thing with cigarettes.

**Exhibit #1, p.31-32**

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**WORKER:** There were a lot of belly ruptures out there where a lot of people really didn't even care what they would do with them. I would see a couple of guys would take the gate poles and try poking them, popping them—trying to do that. You don't do that, you know? ...The pig was dead the next morning.

**Exhibit #7, p.20-21**

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**I: Have you ever seen them use [the electric prod] in the eyes?**

**WORKER:** Oh yeah! Just plain shock them for the hell of it. You know, just to see them jump. Something to laugh at, you know.

**Exhibit #8-C, p.42**

I: Do any of the employees ever vent their frustration and take it out on the pig?

**WORKER:** I've seen that a lot, when they get mad.... There was a pig that needed to be thumped, so [a worker] sliced the pig's head off while it was still alive. The pig was screaming. He detached the head from its entire body.

Exhibit #5, p.25

Some employees have brought these acts of torture to the attention of management. In addition, management is fully aware that some workers perform their duties under the influence of alcohol and drugs and thus pose a clear threat to the welfare of the pigs. During HFA's investigation, employees were interviewed who had worked at SPRO during every time span of the facility's operation from start up to present time. Not a single employee could recall a worker ever being terminated or even disciplined for mistreatment of a pig.

The above-described acts of animal cruelty represent clear violations of SDCL 40-1-27.

## **IX. OPERATIONAL NEGLECT**

**A. Inadequate equipment, supplies, medication.** There are numerous complaints describing extreme neglect of equipment necessary to care for pigs at SPRO. Maintenance workers frequently report lack of supplies and equipment needed to conduct crucial repairs and an overall chronic failure of proper maintenance of facilities to ensure proper care and protection of pigs. Clogged drainage pipes, defective curtains, inoperative flushers, broken feed augers, nonfunctioning ventilation fans, and plugged water nipples are all frequent and chronic problems at SPRO resulting from facilities neglect.

Even more stunning is the shortage of medications necessary to treat sick and injured pigs. Lack of medication, a serious and frequent concern expressed by workers, is indicative of the indifference and reckless disregard for the humane treatment and welfare of the pigs that permeates SPRO.

**B. Insufficient number of employees.** By far, the most common and oft-repeated frustration of Sun Prairie employees is the insufficient number of personnel hired to care for pigs housed at the facility. Employees report that at no time has there been a ratio as high as one employee per barn, or one worker to oversee 2000 animals. In addition to an inadequate number of employees, there is a high absenteeism rate. This makes it impossible for staff present to care for their assigned pigs as well as absent employees' herds. This results in a continual state of neglect for the pigs.

This problem is magnified on weekends and holidays when there is only a skeletal staff assigned to work—often leaving only a handful of workers to care for up to 96,000

pigs. The workers interviewed by HFA also emphasized that caring for a herd of 96,000 pigs is a 24 hour-a-day, 7 day-a-week endeavor. Weanlings do not become stuck between slats, pigs do not become injured or ill, feed augers and water nipples do not become obstructed, curtains do not fall down exposing pigs to bitter cold weather, urine and manure do not back up from clogged drainage pipes into pens housing pigs, and stronger pigs do not attack infirmed pigs and engage in cannibalistic acts only Monday through Friday during normal business hours. Thousands of animals confined in a closed environment require vigilant human oversight on an ongoing and continual basis—especially to ensure the proper care and treatment of the hundreds of sick and injured pigs that are always present at this facility. No automated or mechanized enterprise operates without human supervision, much less an establishment that is required to care for living, feeling creatures housed in stressful and disease-ridden surroundings.

**I: How long would these barns go without anybody—**

**WORKER: I seen barns where a person's supposed to be passing the barn on to me? But I'm not going to take it, because I know they ain't been treating and sorting this barn where I ain't seen nobody go in the barn for two weeks.**

**I: What's that going to look like after two weeks?**

**WORKER: Two weeks. You'll have fall backs, starve-outs, dead all over the place.**

**I: And have you seen that?**

**WORKER: Yeah.**

**I: Very often?**

**WORKER: I have seen it a lot. Tail bites, butt holes ate out—**

**Exhibit #2, p.31**

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**WORKER: ...But we got 24 barns out there. We are supposed to have 18 people. Sometimes I've been out there when only four people would show up to work.**

**I: Is it scheduled to be shorter staffed on the weekends?**

**WORKER: Yes, probably four or five people—sometimes three. I have been there when it's me by myself before.**

**Exhibit #5, p.10**

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**WORKER: Sometimes we have five, six load outs.... And if you got to work all day for five loads, you started at 7:30 in the morning and you go clear to 3, 4 o'clock in the afternoon, you shower and go home. And those barns are not even attended to....**

**I: Is this problem even more severe on weekends?**

**WORKER:** After a good payday week, you don't find nobody at work. And if they do show up, maybe two or three people show up. Them two or three people got to open every barn—there's 24 barns—then they're supposed to do the same thing, like pull dead, check the feed lines, water lines. It's not done.

**I:** I mean, is it possible for three people to care for 48,000 pigs?

**WORKER:** It is literally impossible.

Exhibit #1, p.33-34

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**I:** Are you assigned two barns per person?

**WORKER:** I have two barns by myself.... I mean, I've had 5 to 6 barns at a time with me and just one other person. And they want us to get in there and treat and sort and pull all the sick ones and then load three to four trucks a day, *and* haul the dead.

Exhibit #5, p.25-26

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**I:** Bell alleges that every individual pig is checked three times a day. Would you consider that to be an accurate statement?

**WORKER:** There is no way! There are barns that are not touched for a week's time. Barns! Not individual pens.

**I:** An entire barn, it would be—

**WORKER:** An entire barn! It would be a week before somebody would get back to a barn.

Exhibit #3, p.25-26

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**I:** Do you have time to go in every day and check on every pig—because Bell in one statement stated every pig was checked three times a day?

**WORKER:** No, that isn't—*not down here!* Like a couple days ago, that day we started loading at 8:00 am. We didn't get done until after 3:00 pm. And, I didn't even get to go in my barns.

Exhibit #5, p.29

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**I:** You said that this would often result in maybe only half of the pigs being vaccinated?

**WORKER:** I couldn't get to all of them.... They would tell me to take care of the four old barns and I couldn't do it. I wasn't that fast, I hadn't been there that long, and so I was slow. Trying to do it right, I was slow. So, as a result, there were some barns that would be a couple of weeks before they would get touched.

**I:** Wow.

**WORKER:** I would loose track. I really would. I would lose track. I am not trying to give myself any excuses, I should have been better.

Exhibit #3, p.24

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**I:** So the workers are overstretched or overworked?

**WORKER:** Yeah. And that's the reason why a lot of them didn't like to come to work.... There is so much to do that I didn't know where to start! So I'd just jump in and start, you know, sorting and treating, sorting and treating.... And you are so busy, so busy sorting and treating, trying to keep the pigs alive, you don't have time to shit clog your own barn.... I put two or three pigs out in the alleyway because there was shit in the alleyway. I never shoveled it up; I just let the pigs eat it. They'd eat it up and I would come back in the morning, I would open the pens up and put them back in the pens.

Exhibit #8-C, p.29-30

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**WORKER:** If you got 36 pens [per barn] and you are constantly walking over them, you are pulling your dead out, making sure they have food and checking for shit clogs, you know? And if you got six barns—which a lot of people had four to six barns, with three people—you tell me you're going to walk 36 pens, and what? They start locking barns at four. You're going to walk six barns, 36 pens and do all that, and still close between four to five?

**I:** So basically, you walk out of there, you are full of manure [from power washing]. You're totally overworked and totally exhausted, and yet you know there are still pigs that you weren't able to take care of when you go home?

**WORKER:** Yeah. So that's what I was saying—that's what I say, "Well, I'll get them tomorrow. I'll get them tomorrow." For some of them pigs, tomorrow never comes.

Exhibit #8-C, p.31

**C. Nonexistent supervision.** A primary concern expressed by employees is the lack of supervision to ensure that the few workers on site are actually providing care for the pigs. There is common sentiment that the lack of personnel on site to care for pigs is further compounded by the fact that many employees are not conscientious in performing their job duties. There is extreme frustration over management's effective failure to supervise employees to ensure that they are providing even the most minimal care to pigs assigned to their control. Workers are also deeply disturbed by management's failure to prevent abuse of pigs by sadistic employees.

Failure to provide even a modicum of care to animals constitutes "cruelty," "neglect," "abandonment," and "inhumane treatment" under SDCL 40-1-12 and 40-1-27.

## **X. MORTALITY**

Management's failure to provide a disease prevention program, veterinary care, adequate sanitation, suitable food, potable drinking water, proper shelter and ventilation, as well as SPRO's overcrowded facilities, abusive treatment, and operational neglect all work together to produce an often exceedingly high mortality rate. Each year, thousands of dead pigs are trucked from barns to the dead box.

**WORKER:** There are a lot of sick pigs, some of them die. There's like 15 pigs that die within a day or whatever. The next following day, you will find pigs in the pens and you have to pull them out and—I don't know. It's like an everyday thing that pigs are dying. If people were doing their jobs and taking care of the pigs properly, these pigs wouldn't be dying like this.

**Exhibit #18, p.8**

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**WORKER:** We had barns over there that the target was 5 percent to close out and we had barns over there at 48 percent when they were closed out.

**I:** Forty-eight percent mortality during their five-month stay?

**WORKER:** Yeah. And they would already be at 30 percent just within the first six weeks when the women are supposed to get them there. And then they would slow down after they gave them to me or somebody else.

**Exhibit #19, p.4**

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**WORKER:** The worst barn we have had up there, there was probably 500 pigs left alive in the barn and the rest just died.

**I:** Out of how many pigs to start?

**WORKER:** I would say about 1800.

**Exhibit #15, p.6**

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**I:** How many pigs do you think made it through the entire cycle, survived the entire cycle?

**WORKER:** Well, it varies. But I'll say—they got a deal in the office where they got their percentages. And I've seen up to 30 to 40 percent of the barn. Our percentage wasn't as bad as Cottonwood. Cottonwood's percent was as high as 50 to 60 percent. That was more than half the barn that died in six months.

**Exhibit #1, p.32**





Excessive mortality rates are directly attributable to company policies and practices in violation of SDCL 40-1-12 and 40-1-27.

## **REQUEST FOR INITIATION OF ENFORCEMENT ACTION**

The evidence summarized above demonstrates that every day, thousands of pigs endure unconscionable suffering at Sun Prairie Rosebud Operation. As noted, workers report that animal cruelty violations such as those documented herein have been ongoing at SPRO since start up of the operation in 1999.

Based on the facts set forth above, petitioners respectfully request that your office initiate an investigation of Sun Prairie and its demonstrated disregard for animal welfare, and prosecute the company and all relevant parties including management personnel for their ongoing violations of state law. As set forth above, South Dakota law provides penalties for violations of animal cruelty laws.

To any extent that you direct, petitioners stand ready to assist you in further documenting violations of the law and the serious threats to animal well-being that exist at Sun Prairie Rosebud Operation.

Once you have had the opportunity to review this information, we would like to meet with you to discuss the matter. Our attorneys will contact your office in the next few days to schedule an appointment.

Sincerely,

A handwritten signature in cursive script that reads "Bradley Miller".

Bradley Miller  
National Director  
Humane Farming Association

Attachments 1-24

cc: Mick Strain, Esq., State's Attorney